
JOHANNESBURG – Competition, Consumer Choice, Consumer Trust Review Team Meeting - Day 1

Saturday, June 24, 2017 - 00:00 to 00:00 JNB

ICANN59 | Johannesburg, South Africa

UNKNOWN SPEAKER: ...Competition, Consumer Choice, Consumer Trust Review Team Meeting, day one, 9:00 to 17:30, Committee Room Two.

Test, test.

JOHNATHON ZUCK: Hello Mike, I'm Johnathon. Welcome to the face to face here in Johannesburg, and this is our very hard fought face to face, having to go in and do battle with the SO and AC leadership in order to meet here. So, let's make sure we make the most of it, or we'll be very embarrassed.

So, are there any updates to anyone's statement of interests? Anything like that? That's great. We're going to focus on making our way through the public comments, and trying to reconcile some of those comments to complete a new draft here in the fairly near term.

There is, comments are all over the place, but certain communities seem to be in complete agreement with our recommendations, and some communities seem to be in

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complete disagreement with our recommendations. So, that's going to be, make for an interesting set of discussions here today.

As you know, when we released the draft paper, there were fairly significant holes, because of outstanding research, right? One was the DNS abuse survey, the other being the [inaudible] survey. And so, we all got some push back at the last ICANN meeting for those holes in the papers, that hopefully we'll be filling today.

And to start that off, we have a report on the DNS abuse study. So, without further ado, take it away.

MAARTEN WULLINK: Thank you.

JOHNATHAN ZUCK: And everyone should introduce themselves before they speak.

MAARTEN WULLINK: Okay. So, I'm Maarten Wullnk from SDIN. Sitting next to me is Dr. Maciej Korcznski from [inaudible] University of Technology. And this morning, we would like to present the intermediate results for our study. The statistical analysis of DNS abuse in TLDs. As you all know, this is the study requested by this team.

Next slide, please. I don't know who is doing the... So, okay. I'll briefly go through some introduction so everybody is on the same page. So, the main goal of this study is to do a statistical comparison of the abuse rates in DNS between the new and the legacy...

Between the new and the legacy TLDs. We'll be looking at spam, phishing, and malware. And also, we'll look at, see if there are any statistical relationships between abuse drivers and things like DNSSEC or potential other drivers that may be identified by this team.

[SPEAKER OFF MICROPHONE]

So, let's see, where am I? So, yeah. So, the motivation for this study is, of course, the additional new gTLDs to the root, hundreds of which have already been deployed. There are some safeguards built in this program to mitigate the abuse. This study was designed to see if we see any difference in the abuse when we compared the new gTLDs like ccTLDs. Slide, please.

So, to do this work, we, of course, need the data. So, we try to use as much data available, as there is. So, we contacted the data providers that are most widely known and have the best reputation regarding abuse data. So, we use the anti-phishing working group data which contains phishing URLs.

We use stop malware date, which has malware URLs. And the SURBL feed, which actually contains four separate black lists, and contains phishing domains, spam domains, and also malware domains. Next slide, please.

We also use spam house, also well-known for phishing domains. And [inaudible] which also has three sub-feeds, containing phishing, malware, and various other types of abuse. Next slide, please.

And to be able to map all of these abuse feeds, all of the abuse domains and URLs that are reported in these feeds, we use WHOIS data. This WHOIS data has been provided by [inaudible] XML API, which has been contracted by ICANN to provide us this data. Data contains every new gTLD and the subset of the legacy gTLDs. Unfortunately, there is, there are some gaps in this data. Some domains seems to be missing. It could be that these are short lived domains that get registered by bad guys, and then get abused and get dropped fairly quickly, before the WHOIS XML API has been able to scan the domains, or extract WHOIS data.

To be able to map these missing domains as well, the WHOIS data, we contacted Domain Tools to see if they were able to provide missing data, or data for these missing domains. And

they were able and willing to provide this data. We haven't been able to use this data in this intermediate report.

We'll be adding this to the next final report. And to analyze the size of domains, of gTLDs, we're using zone files. We have one zone file per day for each gTLD, over the entire three-year period. Next slide, please.

So, next will be Maciej taking over.

MACIEJ KORCZYNSKI:

Thanks Maarten. So, once more, hello everyone. My name is Maciej Korczynski. I am [inaudible] research at [inaudible]. And now, I will discuss security replication metrics for TLDs. So, to verify the distribution of malicious content, or malicious content over, across different TLDs, we propose, we first propose to analyze the number of unique abuse domains.

So, although this is the most intuitive metric. It also has its own limitations, because it might not give an indication of the amount of abuse coming from a single domain. So, next slide please.

So, for that reason, we propose a second very complimentary security metric, which is a number of fully qualified domain names. Here we have an example where one maliciously

registered domain name, for example, is used in multiple phishing attacks against, for example, different banks.

But also, this metric might not give an indication of the amount of abuse related to a single fully qualified domain names. So, for this reason, we propose the third, again, complimentary metric, and next slide please. The number of URLs, because we observe a very common trend that compromised domains are used to distribute malicious content through URLs or paths of a fully qualified domain name.

So, this work actually stems from our collaboration with the Dutch National Police, where we analyzed a lot of URLs used to distribute child abuse material. And we noticed there, that one fully qualified domain name, can be used to distribute just one malicious photo, or tens or even hundreds of them. And I also extensive manual analysis of other types of abuse, like a phishing or malware also comes from the strength. So, next slide please.

So, here we actually present the three complimentary security metrics for phishing domains, fully qualified domain names, and URLs, based on anti-phishing working group for legacy gTLDs. So, on X-axis, we aggregate abuse incidents per, on a quarter basis, starting from January 2014 to January 2017. And on the Y-axis, we have the total number of incidents.

And please also note here, that it is in [inaudible] scale. So, actually the differences between the three metrics, is quite significant. So, for example, when you take a look at the green line, it is much more, around 2015, than the actual domains. Why? For example, we saw around, I believe, 30, 40,000 fully qualified domain names related to legitimate domain, Amazon dot com.

If we took a look at the blue line, this is the number of the URLs, number of paths, and there, for example, we saw only in 2015 for anti-phishing working group, we saw around three or 400,000 URLs related to a domain feed dot [inaudible], which is an URL shorter, URL shorting service operated by Twitter.

So, what does it tell us? It tells us that [inaudible] extensively use free services. Next slide, please. So, actually those three complimentary metrics, they measure or they reflect [inaudible] profits maximizing behavior. As the [aggregators?] abuse free legitimate services and effect the reputation of such legitimate services.

So, next slide please. So, now we'll concentrate mainly on abuse domain names. So, this time, again, on the X-axis, we have abuse incidents aggregated on a quarterly basis, starting from again, January 2014 to January 2017. On X-axis, we have total numbers of phishing domains.

And green line represents newer gTLDs, blue one, legacy gTLDs, and purple one, total number of security incidents. So, as you can see the difference between new and legacy TLDs, for phishing, in terms of absolute counts, it's quite significant. Again, know that it is [inaudible] mix scale.

But what we see there is that a clear upward trend in the number of phishing domains for new gTLDs. When we take a look at legacy gTLDs, the trend is quite stable. So, next slide please.

So, let's cross-check this with other feeds. Again, we have phishing feed, provided to us by [inaudible], and again, we see the same trend. Upward trend for new gTLDs and quite stable number of abusive, abuse domains in legacy TLDs.

[SPEAKER OFF MICROPHONE]

Of course.

JOHNATHAN ZUCK: The purple line is essentially the equivalent of the blue line? Is that why we can't see it?

MACIEJ KORCZYNSKI: Yeah, yeah, so...

JOHANTHAN ZUCK: So, the difference in number is so great, that the purple line is basically identical?

MACIEJ KORCZYNSKI: Yes. So, if we move to the next slide, we were really lucky with getting a lot of data. So, that's really nice also to cross-check the trends that we see, and here we have, again, phishing data provided to us by SURBL. And again, very, very clear trend, upward trend of new gTLDs. Next slide, please.

And here, we have new type of abusive domains. SURBL malware. And again, the same trend. Next slide, please. Here we have, again, a malware provided and feed provided to us by Clean MX, and again, the same thing. So, just to conclude this part please, of course, no worries.

JOHANTHAN ZUCK: What we're looking at right now is absolute numbers, so in theory, the green line could map in a linear way to registrations of new gTLDs, right?

MACIEJ KORCZYNSKI: Yes. We will get there, because next few slides, there will be rates also, and that will be... This is only to give the first, let's say, intuition about the results. So, just to conclude this part, so,

while the number of abuse domains remains approximately constant in legacy gTLDs, we observe a clear upward trend in the absolute number of phishing and malware domains in new gTLDs.

So, next slide please. And now, we are coming to really interesting stuff, because the third type of abuse that we analyzed was spam. And this is the feed provided to us by Spam House. And what we see here is, at the end of 2016, the absolute number of spam domains is larger, it's higher than legacy, which is really, really alarming.

And if we go to next slide, we actually confirm the results with another data provider from spam. It's even worse. And we see the number of, the absolute number, already, the absolute number of spam domains in new gTLDs is higher than in legacy TLDs at the end of 2016.

So far, we were discussing total numbers, but of course to fairly compare new and legacy gTLDs, we need to take into account the size of those guys. So, next slide please.

So, in other words, the size matters here. So, next slide please.

UNKNOWN SPEAKER: Sorry, there is a question in a remote. I'm not sure we can pipe his down.

Jordyn, I think you can go ahead.

MACEIJ KORCZYNSKI: Should I go ahead?

[SPEAKER OFF MICROPHONE]

Jordyn, can you speak please?

UNKNOWN SPEAKER: I can read it. Jordyn asked, you had in the spam tread line where there is more from the new gTLDs. It seems like there is not an increase in total activity though?

MACEIJ KORCZYNSKI: There is no increasing, in total, right? From legacy and new gTLDs, or...? Can we go maybe back also to previous slide?

[SPEAKER OFF MICROPHONE]

UNKNOWN SPEAKER: So he writes, there is more spam on new gTLDs, excuse me, than legacy gTLDs, but that's just substitution rather than an increase in spam.

MACEIJ KORCZYNSKI: In general, yeah. Can we go to the previous slide? Yes, exactly. So, when we take a look at the total number of spam domains, that remains quite constant. So actually, it looks like the spammers, they have more and more preference towards new gTLDs.

UNKNOWN SPEAKER: Yeah, I was wondering, what would you speculate would be the incentive? Because we know anecdotally, at least, that many people block new gTLDs because of that fear of spam. So, on corporate networks and what not, is actually one of the issues when we're talking about, you know, universal acceptance.

So, why would a spammer then migrate to new gTLDs? What would your theory be?

MACEIJ KORCZYNSKI: Yeah. I guess they take multiple things into account. They also take into advantage their costs and potential, these advantages of choosing a new gTLDs. As you were saying, that they might be blocked, but probably, if I need to speculate, I wouldn't like, but if I need to speculate, I would say maybe pricing, maybe registration restrictions, maybe also some registrars even, they offer a service where they can randomly generate domain names.

And that really facilitates criminal activities. So, I think it's just a matter of costs. So, I guess costs like in general, economic cost. So, I guess that's why they're moving to a new gTLD service. Okay?

Can we move like two slides? Yes. So, I was saying, [inaudible] we were mainly discussing total [inaudible], but as I was saying, to reliably compare them, we need to take sizes into account. So what we did, we had several choices, and we decided to take a number of second level domain names taken from zone files.

At the end of each observation period, and just to take a look at the number of new registrations, and we see an incredible increase in the amount of domains in new gTLDs, please take a look at the green line, and compare them to legacy gTLDs. And it's over 20 million now. So, next slide please.

So, how we calculate rates, we simply take the number of abuse domains divided by all domains, and multiply by 10,000. So, if we, for example, observe rate 3.95, then it simply means that we would observe around four domains, four abuse domains in 10,000 domains. Okay, next slide, please.

So, now let's take a look at the time series of abuse rates of phishing domains in legacy gTLDs and new TLDs based on the phishing working group. So now, please take a look at the Y-axis. There, we have rates and now it's on the [inaudible] scale.

And now we see that in terms of rates for phishing, both lines are really, really close, and they're actually converging at the end of 2016. Next slide, please.

So, let's take a closer look at legacy gTLDs. Next slide, please. So, we see, 82.5% of dot com domains that were abused in legacy gTLDs. Second, third, fourth, and fifth place are dot net, dot org, dot [inaudible], dot biz, domains, which is not really surprising because that corresponds exactly to the market share of legacy gTLDs. Next slide, please. And next slide, please.

So, when we take a look at abusive events at the new gTLDs, we see that the top five gTLDs that are suffering from the highest number of abuse domains, collectively owned 58.7% of all black listed domains in all new gTLDs. The top five most abused new gTLDs, they change depending on data sets, but the most important lesson learned here is within each group, only a few gTLDs own the majority of abuse domains, for example, in new gTLDs. Next slide, please.

If we take a look at time series of abuse rates of malware this time, based on [inaudible], we see that actually in 2016, new gTLDs are suffering from higher abuse rates. This is not consistent over different data sets. The rates are quite similar between new and legacy gTLDs for malware.

Next slide, please. But when we take a look at spam, then it's pretty clear what we're expecting here. The differences in rates are really huge, and they are many, many more abuse domains in new gTLDs. Yeah, which is quite a huge problem in our, okay. Next slide, please.

So, some blacklist that we use in our study are actually URL blacklists, so those are anti-phishing working group [inaudible]. So, what we did, we try to distinguish between compromising malicious registered domain names, to further check and study the problem.

So, distinguishing between compromise and maliciously registered domains is really important, because they require different mitigation actions by different intermediaries. So, if we have for example, maliciously registered domain, it's more registrar who should be suspended. If it's compromised domain name, then it's mainly hosting provider together with web master that should clean the malicious content.

And of course, it should be suspended temporarily then be active again. So, the assumption in our study that we did to distinguish between those two groups, is that maliciously registered domains involved in criminal activity within a short time after the registration. Other characteristics that we're going to include in our final report, those will be if domain

names, they contain, as part of a domain name, if they contain brand names or its misspelled versions, that would indicate malicious registration, but also, if we take a look at URL, and in the path we see some certain key words like WP slash, includes WP [inaudible], that would indicate actually malicious, that would indicate that the domain was compromised through vulnerabilities of [inaudible]. Next slide, please.

So, here is an example for stop [bad ware?]. We have four groups here, maliciously registered, compromised, legitimate domains, and unlabeled. Unlabeled are mainly because of missing WHOIS information, so it's not that much, but for example, for anti-phishing working group, we have up to 18% of unlabeled domains.

And what we see here, is that the majority of domains in URL blacklists are compromised domains. So, next slide please. So, now let's take a look at two graphs. At the top, we have rates of malware domains, all of them, and at the bottom, we have rates of only compromised malware domains. Next slide, please.

And the most important observation here is that if we compare the rates for legacy gTLDs, we will see that they are mainly driven by compromised domains. Next slide, please. When we take a look at only maliciously registered domains, so this is the graph, this is the figure on the bottom, then we see that the rates

are driven by maliciously registered domain names, and actually, the rates are much, much higher in comparison to legacy gTLDs. Next slide, please.

And finally, we see that the reputation of single, for example, new gTLD, can be driven by single campaign, or single campaigns, phishing companies, for example. When we manually analyze domains, we see the same registration patterns. For example, domains registering about the same date or very short time, and there are common patterns also in domain names.

So now, Maarten will discuss a privacy and proxy services. Thank you.

MAARTEN WULINK:

Next slide, please. So, we've also been looking into privacy and proxy services used for abuse domains. Well, mainly because previous studies also indicated that a large portion of abusive domains use privacy or proxy services. Doesn't mean that every domain that uses a privacy or proxy service is somehow malicious. There are legitimate uses for privacy and proxy services, of course. You might not want, if your details, in which data to prevent getting spam emails, or you want to protect your privacy by blocking your personal data, or having unwanted commercial offerings sent to you.

So, what we did is that to identify which privacy or proxy services are used, we extracted the, at least the top 5,000 most common registrants. So, we counted the number of domains for each registrant, and name and organization combination, and then used this list, which [inaudible], if you could see if there are something like privacy, or proxy, or protect in the name of the organization of the registrant, or the registrant name itself.

This is an automated process was fairly simple, and the bulk of the results, but of that, we had some organizations or some registrants left, which we were not able to automatically determine if they were privacy or proxy services. So, we did some manual inspection there, to the website, or do some Googling to see if these registrants are privacy and proxy services.

So after doing all of this, we found some 570 privacy and proxy services, which we believe are the bulk of the privacy and proxy services you can use on the internet. Next slide, please. So, this is one example of how privacy and proxy service works, for those who have no experience with this.

So basically, what it does is on the left side, you have your normal domain name, WHOIS information, which has your real name, of course, your business details, you know, address and phone numbers. And when you use a privacy and proxy service,

which is fairly simple, a lot of registrars offer this service for free, or for a very small amount. And with the click of a button, you can enable it.

And we do, your details get substituted by the details of the privacy proxy service or registrar, which prevents, of course, you being directly contacted by phishers, or spammers, or whatever.

[SPEAKER OFF MICROPHONE]

Yeah, that's of course, why the bad guys like privacy proxy services, because they can hide behind this service. So, that's like, yeah, the less attractive side of privacy or proxy services. There are, as I said, there are legitimate uses for this, but also bad guys can use it to hide effectively. Next slide, please.

So, first we wanted to have an idea of how often people use a privacy proxy service when registering the domains. So, in this graph, we can see that new domains created each month, and percentage of domains that use privacy proxy services at the moment they are created. So, we can see that for legacy to these, it's fairly consistent somewhere in the area of 24% with littler variation. The new gTLDs, on the other hand, there are on average some 19%, but as you can see, there is a lot more variation there, especially at the end.

There is a large spike. It could be that's one single campaign. Let's see, next slide, please. So, this is stop [bad ware?] which is malware domains. Here we can see again that there is a slight upwards trend for new gTLDs, although their numbers are significantly lower than legacy gTLDs. This is a lock scale, by the way. So, it looks like they're getting really close. The scale, at the end, for new gTLDs somewhere in the area of a little over 100, while the legacy gTLDs are somewhere in the area of 8,000.

So, it's still quite a big difference. Next slide, please. For Spam House, which is spam email, the results seem a little bit more close together. There is a big increase in new gTLDs, especially in the last year. They're getting, at some point, in late 2015, they actually are similar, and in 2016, they're fairly close. So, there is maybe, I don't know, 10% difference, something like that. Yeah, sure.

CARLTON SAMUELS: Carlton Samuels for the record. Is there any way to localize where the increases are coming from? By geography? Or against registrars?

MAARTEN WULINK: Yes.

CARLTON SAMUELS: Okay, good. Thanks.

WAUDO SIGANGA: Waudu for the record. I just want to know, what's the significance of the figures? [Inaudible] did you say that using privacy or proxy services cuts both ways? It helps reduce the mode of abuse as well as giving a format for the bad people to do their work.

So, what's the significance when you start seeing the graphs?

MAARTEN WULINK: These, especially the Spam House and the previous one, these are, of course, abusive domains. So, what we can see here is that the number of abuse of domains using these services are growing. This doesn't say the number of... This doesn't say anything about the legitimate domains using privacy proxy services.

So... So, yeah. It seems logical. So, if the total number of badness increases for new gTLDs or legacy gTLDs, and also the number of the percentage of those domains using privacy and proxy services, is increasing. Yeah.

Okay, next slide, please. So, we also took a look at the geographical location, of the geographical location of domain

names. And to do that, we decided to use the location of the registrar, because registrant details are not very reliable. They can use privacy or proxy services, or they can just fill-in whatever they want. So, it's not that we can use that as a reliable source.

So, while registrant, registrar details are, of course, very, very reliable. So, we extracted every unique registrar name from the WHOIS data, and combined this with the registrar name and country information found on the ICANN website on the accredited registrar list. But we also matched name variance, because when we look in WHOIS data, we find that there are lots of spelling errors or slight variations for registrar names.

So, this made life very difficult for us. This is mainly... We could automate some of this, but there is also a lot of manual labor. And of course, for the registrars that are not accredited, we had to look up the country information manually. There are, fortunately, some community or industry websites, where it's fairly easy to locate registrar information. So, we could use those to find the country of each registrar that was not accredited.

The result of this is that we found a list of almost 6,000 registrars, and together, these registrars were matching over 99.99% of all domains in our WHOIS data. So, it's fairly good.

UNKNOWN SPEAKER: Excuse me. May I ask a question? We have a question from Jordyn Buchannan. Is the rate of abusive TLDs using privacy proxy services changing at all? Thank you.

MAARTEN WULINK: We didn't look at that. The number of TLDs using privacy proxy service, was that the question? Sorry, we didn't look at the number of TLDs that were using that. We can't.

UNKNOWN SPEAKER: So, we have a correction from Jordyn. Apologies. SLDs. And he wants to know, is the rate changing, not the total number. Is the rate changing?

[SPEAKER OFF MICROPHONE]

Yeah, maybe we could take it offline later. We have to look into that. We don't have it in the report at the moment.

JONATHAN ZUCK: Jonathan here. I think what Jordyn is asking, I can't put words in his mouth, is that... Is the percentage of domains used for abusive activity changing?

MAARTEN WULINK: With regards to privacy or proxy?

JONATHAN ZUCK: I think he’s just asking about abuse, the spam and the malware, etc. In other words, if 10% of the domains out there are being used for malicious purposes, is it now 12%?

MAARTEN WULINK: That’s what...

[SPEAKER OFF MICROPHONE]

So, that actually corresponds to previous slides, and there, the answer is yes. They change and there is a clear, clear trend. Yeah.

[SPEAKER OFF MICROPHONE]

For all types of abuse. So, if the question is like, if the rates are changing in new gTLDs, in terms of abuse, then the answer is yes. In all types, all three types of abuse that we were investigating, there is a clear upward trend.

JONATHAN ZUCK: Again, I’m think I’m just second-guessing Jordyn’s question. When he asked at the outset, it looked like the amount of abuse was level, and it looked like it was substitution behavior. And we guess that that might have to do with price, or something like

that. The number of spammers was the same, but where they're doing their work was changing.

So, I think he's asking a related question, which is, is the amount, is the number of domains being used for malicious purposes going up, or just the raw amounts? Is the overall amount going up?

In other words, could we conclude that the introduction of new gTLDs is increasing the amount of malicious activity? Or, is it just providing a different place for it to happen? I think that's what he's asking.

MACIEJ KORCZYNSKI:

So, I would say that we can take a look... Jordyn, maybe, I'm not sure if he has the report, but in table one, that of course depends on data set, but there is also an increased number of abuse events, year per year. From 2014, 15, 16. And in terms of rates, they are stable.

The new gTLDs overtaking legacy.

JONATHAN ZUCK:

Right. And maybe you answered my question and I'm too jet-lagged to understand. So, if last year, there were 10 registered domains and five of them were being used for malicious activity,

and this year, there are 20 registered domains, how many of those are being used for malicious activity? Is it 10? Is it still half of them?

In other words, is the trajectory just mapping to the number of registrations, regardless of whether or not they're new or legacy gTLDs? Is the rate, is the percentage of the total remained constant?

MACIEJ KORCZYNSKI: It's stable. Which is...

JONATHAN ZUCK: Which would suggest that it's difficult to conclude that the introduction of new gTLDs has increased the rate of malicious activity.

MACIEJ KORCZYNSKI: I wouldn't say so, no. The rate was not increased. There are graphs, which, Jordyn, already was referring to. For example, spam. Total number was really the totally rate was very, very stable. And we were just stop serving the switching between new gTLDs and legacy gTLDs.

So, in terms of spam, I believe we can conclude that the rates of new gTLDs are increasing, of legacy are decreasing, and the overall rate stays the same. I hope that answers your question.

JONATHAN ZUCK: What’s Jordyn saying? Am I saying anything that’s helpful to the question.

UNKNOWN SPEAKER: Jordyn Buchannan has responded. We see the total number of domains using privacy plus proxy services from the new gTLDs increasing. But is that purely a result of registrations? And he also says, roughly what Johnathan is asking, but specifically, for privacy plus proxy.

MAARTEN WULINK: No, we didn’t check that. So, we could do that for a final version of the report. It shouldn’t be too much work, of course. So, I’ll make a note of that.

JONATHAN ZUCK: I think the question is, there are five guys out there doing all of this malicious activity, and they’re just jumping around what domains they’re using, or has this introduction led to an

increase of malicious activity? I think that's kind of the overall question that he's asking specifically to privacy proxy services.

David, you had your hand up.

DAVID TAYLOR:

Yeah, thanks Jonathan. David Taylor. There was a slide just before, which I noted something down there. The Spam House slide, new gTLDs having as many privacy, proxies, legacy TLDs through 2016 and 17. So, it becomes static. It was going up, and then 2016, 2017 it was right, the two were long.

And we weren't seeing a dip in the legacy TLDs, so I don't know whether that's sort of part of our answer is already in that slide, which we had.

KAILI KAN:

Yeah, Kaili Kan speaking. Yeah, just for further understanding of the results. So, just as Jonathan said, there are five guys jumping around. So, new G or not new G, those five guys are there. Okay. So, however, is there a trend that these guys before were mostly using a legacy gTLDs that now, they're moving into new Gs. Is that so? Just to comprehend that. Thank you.

JONATHAN ZUCK: For the record, the researchers are nodding.

MAARTEN WULINK: Yeah, if we go to the next slide, please. So, this table shows the distribution of registrars by country. And of course, this is all registrars, not just those doing purely legacy, or purely a new gTLDs. And because of historical reasons, of course, the US has a very high share of the total number of registrars.

So, we made this table just to see if there is a difference between the local of registrars and the location of the domains. Sorry. What we share here is the shares between countries of registrars, but we wanted to contrast this with the shares with the domains that are also registered to countries.

So, if you go to the next table, we can see that, for legacy, we see that the ordering is almost the same. We see that the US is on top, with the bulk of domains, followed by China and Germany. But when we look at the left side of the table, we see the new gTLDs.

There is a difference there. The US is followed by China. China is not much bigger, but it's thirdly [inaudible], which is also not very what you would expect. And interestingly, the [inaudible] is caused only by a single registrar, of a fairly large registrar.

So, it's interesting that risk, is difference between the legacies and the new gTLDs, when we look at domain name country distribution. This is overall, all domains. This is not abuse of domains, this is all domains. So, when we go to the next slide, we have the same table, but then for the SURBL model [inaudible].

There, we can see that on the bottom right, the legacy table, we see that, of course, United States, and Japan, and China are on top. This is basically the same ordering almost as the one table with the registrar rate, market shares. But when we go to the new gTLD table on top left, we see that [inaudible] Japan and China are on top.

So, there is a difference there as well, and we see that [inaudible] has a very high percentage of abuse. We see that of the total number of abuse, coming in the, of being reported by SURBL, we see some 47% is located in [inaudible].

DAVID TAYLOR:

Thanks. David Taylor. On the [inaudible] thing, which stands out, you said that it was one registrar across how many TLDs? Or how many new gTLDs? And is there a pattern there with the gTLDs in question?

MAARTEN WULINK: We didn't look at how many gTLDs were involved for the [inaudible] case. There is a graph in the paper, that we did zoom in on that particular registrar. And there, we did see that there are some very large spikes in the abuse, and those were caused by two different gTLDs, dot signs and I believe dot top, that were causing most of the abuse.

Okay. Next slide, please.

UNKNOWN SPEAKER: I have a comment from Jordyn Buchannan. I'm going to guess all of the TLDs for the [inaudible] register are from the registry affiliated with that same registrar.

MAARTEN WULINK: Yeah, the registrar is [inaudible] names. I'm not sure...

MACIEJ KORCZYNSKI: I'm not sure, maybe it's the same registry that should be [inaudible]. I guess, but the registrar is for sure, [inaudible]. And that the pattern in there is also very clear. The registration of these really, really are small, much smaller than the [inaudible] and of course, smaller than dot com domains.

UNKNOWN SPEAKER: Comment from Jordyn. Yes, [alt?] names and famous four are affiliated.

MAARTEN WULINK: So, in the paper on figure 32, there is a, resuming a little bit on this case, on the registrar that causes all of this abuse, or is linked to all of this abuse in [inaudible].

Okay, next slide, please. Okay, so finally, we also took a look at registrar repetition. When we started doing this, we found some registrars with really high numbers of abuse, and it turned out that these are special registrars being used by companies to actually registrar like CC domain [inaudible] control, domain names for bot nets, just to hold them.

And they only contained abuse. So, these are things that we had to filter out, as to prevent them from skewing the results. And then we counted all of the incidents per registrar and calculated percentages of abuse linked to registrars. And if we go to the next slide, we see an example for the SURBL feed, that on the bottom right hand, we see the legacy gTLDs again, with their abuse.

At the moment, there is no lower limit on the number of incidents, so what we see, the one on top has 89% of abuse, or at least 89%, yeah, 89%. But the total number of incidents is

only 126. So, if you take a look at number nine, we see that this registrar has a lot lower percentage of abuse, almost 15, but has over one million incidents.

So, one question is, should there be a low limiting this table to better present this information? So, this is a question I have for this team. So, because it makes no sense to me that the one with one million names, one million of abuse names, of incidents, should have a lower score in this table.

So, yeah. If we take a look at the left-hand side, this is for the new gTLD registrars, there we also see some interesting registrar behavior, especially the one on top. This registrar has a high number of incidents, almost 100% of their domains have been flagged as malicious.

And if you go to the next slide, we assume a little bit on this registrar....

UNKNOWN SPEAKER: I just have one comment from Jordyn. [Inaudible] has been de-accredited.

MAARTEN WULINK: Yes, that's on the next slide as well. So, here we can see a little bit of the pattern involved with this registrar, and there are some

large spikes, especially at the end. And I believe in October 2016, or a little bit later, that this registrar was terminated, or at least the registrar accreditation agreement was terminated.

And at that point, it's really obvious in this chart that the abuse is starting to get way, way less. So, that kind of worked, but the abuse probably just shifted to somewhere else.

[SPEAKER OFF MICROPHONE]

Yes. So, maybe Maciej, you can say a little bit about the overlap between the data sources?

MACIEJ KORCYNSKI:

We could discuss, because here, what we did here for this graph, we joined all SURBL data sources, but still, and there, as you might still remember from one of the first slides, there are two spam related feeds. One phishing, one malware. On, I believe table one in the report, we have feed by feed comparison, and there was quite significant overlap also between Spam House and those two SURBL feeds with spam.

But still, they look quite complimentary also. Yeah.

MAARTEN WULINK:

Yeah, exactly. That's what we see that was, even though we have multiple feeds containing phishing or spam, or malware,

they don't contain the same data. They have some overlap, but they have different approaches of collecting data, some are spam traps, others use browser plug-ins for users to submit data, or there are multiple techniques for collecting this data, which in turn, results in them providing different contents in their feeds.

But we do believe that combining all of these different data sources, will give us a very comprehensive overview of total number of abusers out there.

Next slide, please.

UNKNOWN SPEAKER:

Excuse me. I have a comment from Jordyn. The interesting thing about this graph is that it seems to imply that mostly new domains are used for domains, at least from this registrar. Since the abuse drops off, once the accreditation was terminated, even though the domains would continue to exist. Maybe ICANN staff can tell us if and when the domains were actually transferred to another registrar.

And then he says, mostly new domains are used for abuse.

MAARTEN WULINK: So, just to be clear, this graph only contains new gTLDs. No legacy.

WAUDO SIGANGA: Waudu here. I think just following onto that comment by Jordyn, I wonder, what happens to those domains that this registrar...?

MAARTEN WULINK: Yeah, that's a good question. To be honest, we don't know. We didn't follow...

MACIEJ KORCZYNSKI: Just one comment. We could definitely do it, but also our WHOIS data, we have WHOIS data until the end of 2016. So, but as Jordyn, I will say, maybe it's nice to cross-check with ICANN actually, what happened with those domains. I agree. Thank you for this comment.

ELEEZA AGOPIAN: So, this is Eleeza. I don't know what happened with this particular registrar, but typically when a registrar's accreditation is terminated with ICANN, we attempt to find another registrar to house all of the domains. I can look into what happened with this particular one, where they removed it.

MAARTEN WULINK: Okay. Finally, next slide please. So, the results we presented here were from a second intermediate report. We planned to present a final report next month, which will incorporate also the WHOIS data from Domain Tools, so we can use the abuse domains that we could not map to WHOIS until now.

So, that might change the data a little bit, or the results a little bit. We also plan to add [inaudible] analysis of potential relationships with abuse, so it includes DNSSEC. Anything else we're missing?

MACIEJ KORCZYNSKI: Yeah, we also add a few [inaudible] to the categorization of, to distinguish maliciously registered from compromised domains, because we note there is some false positives because there, our methodology is mainly based on, if the domain is used or blacklisted shortly after the registration.

But in our data set, by manual analysis, we see that actually the attackers wait longer. And there seems, they seem to be using registered domains for malicious purposes after two or three months after the registration, actually. So, for that reason, we'll also incorporate a few more statistics in the classification, and we'll update all of the results also.

Yeah, I believe that's it, yeah.

MAARTEN WULINK: Oh, sorry, is there a question?

[SPEAKER OFF MICROPHONE]

WAUDO SIGANGA: Yeah, Waudu once again. Now, that you're coming to the end of your presentation, I'm just wondering, did you also find out any correlation between the rates of parking and abuse?

MAARTEN WULINK: Did you say parking? Parking, right. Domain parking.

MACIEJ KORCYNSKI: I can answer this one. So, it was not in the agreement, but we actually did that. And I can... So, what we did, I don't want to talk too much about the [inaudible] analysis now, but one of, let's say, extra features that we measured, was the number of parked domains.

And actually, so we made active measurements of parked domains in all the domains and gTLDs, and there is actually some positive effect and relation between abuse rates. So, from

what I remember, the correlation is really, really weak, but the statistic was significant. So, there was something, yes.

UNKNOWN SPEAKER: We have a question from observer John McCormack, from Hoster Stats dot com. Did the team correlate known vulnerabilities in web CMSes and plug-ins, with spikes in compromised domains?

MAARTEN WULINK: No, we didn't do that. Yeah, it would be interesting to see if any of these spikes correlate with timeframes when a particular vulnerabilities are published or not, but yeah, we didn't look at that.

UNKNOWN SPEAKER: John just comments, I noticed in web surveys that there is a correlation.

MAARTEN WULINK: I mean, we also see this correlation, but for different study. But we could also take it offline, and I could send you a paper, our recently submitted paper about that, where we actually correlate abuse accounts from stop bad ware and anti-phishing working group, for sure, because the great majority of those

domains are compromised with different types of vulnerabilities that we measure actively. That's a different study.

JONATHAN ZUCK:

One question, I guess. It will be a difficult one. My name is Jonathan Zuck for the record. I'd love to ask you to take a step back from your charts and graphs for a second, and put yourselves in our shoes. And we are asked to determine whether or not you know, the introduction to new gTLDs had a positive or negative consequence, maybe that's the best way to put it, right?

And I find it difficult to draw a conclusion about that from your presentation. In other words, you know, sort of related to Jordyn's questions, are people are finding that new gTLDs are more interesting place to do things they were already doing? We don't necessarily have anything beyond conjecture about what those characteristics are that makes it more interesting. Maybe it's price, that it's cheaper. Maybe it's practices, or something like that.

I mean, how do we come away from your study with a conclusion, a statement? If you had to give what they call the elevator pitch for the results of your study, and any recommendation that would come to the surface of your study

in terms of what kind of a change would be recommended to mitigate abuse, what would it be?

MAARTEN WULINK:

So, honestly, I would wait for the final report, and also for our inferential analysis because I guess this is the key thing to consider before trying to suggest any recommendations. So, there, I mean, we will not investigate potentially key driving factors of abuse, such as pricing, maybe in follow-up work, but still, one extra thing that we added is some active measurements, for example, of park domains of registration restrictions, and so on and so on.

So, let us maybe try to answer this question next time, because I guess the key point to answer this key point inferential analysis, and check what are the driving factors in abuse of new gTLDs.

JONATHAN ZUCK:

But if I'm asked over the course of the week to summarize what the results of the study are to date, from this interim results, how would you summarize them? What did we just learn today?

MARTEEN WULINK:

Yeah. So, this is also what Jordyn was pointing out. We see very stable rates of abuse, and very clear upper trend of new gTLDs,

meaning that they are, in terms of abuse, they are taking over. And when we take a look at spam, then it's very, very clear that this is actually happening.

And if you would like me to speculate a little bit, that's for sure pricing. And clearly the most abuse the new gTLDs are the cheapest ones, and also clearly there is not much of a very fine of registration of identity. I would not expect any abuse domains in dot pharma gTLD, or dot bank gTLD, because also we learn from last ICANN meeting that those are extensively verified identity and so on and so on.

But when we take a look at top five, those are mainly usual suspects, because of pricing, because of registration policies, because of things that might potentially facilitate criminal activities.

FABRO STEIBEL:

Hello, Fabro for the record. Question. When you comment on pricing, do you have any database that you cross it for the others with pricing, or do you just observation based on specific cases that you're looking at?

MARTEEN WULINK:

Yes, so those are specific cases, just... Yeah, we didn't really have a database on pricing, and that was also not something

that was, at this point, requested, but definitely, we were checking those that are mainly abuse, and there, we can clearly see patterns in pricing.

[SPEAKER OFF MICROPHONE]

DAVID TAYLOR:

Just while Jordyn's typing, David here. One of the things when we're looking at this, you might have mentioned it, but I was wondering, the key thing we really want to get a handle on is how much abuse of privacy and proxy there is. Because obviously, there is the good use of it, and then the bad criminal activity. And do we have an idea of percentage? Because you said we've got roughly 24% I think it was, legacy TLDs are using it.

Can we get to a percentage of how much of that 24% is abusive use and how much is non-abusive use? We may not be able to, but I think it would be interesting if we could.

MAARTEN WULINK:

Yes. It's not in the results so far, but that shouldn't be hard to do, and we could do that for the next version of the paper.

DAVID TAYLOR:

It would be brilliant if we could get that.

JONATHAN ZUCK: Sorry. Jordyn’s final comment is that if there was any way to document the correlation between price and abuse, in whatever form that you have, even if it would be helpful. He said that it matches people’s intuition, but some data even point to data on specific events, would be good to document.

MAARTEN WULINK: We’ll try, but definitely, this is something that we would really like to make a follow-up on, because also, I mean, there is some anecdotal evidence everywhere. But what we would like to do, we would like to really make systematic study there also. But thanks, also thanks for this comment.

JONATHAN ZUCK: For the record, I’m Jonathan. Next on our agenda is discussing this report. And so, I’m interested in people’s thoughts and interjections. And so, it’s sort of a continuation of our last discussion, but how we’re going to discuss this this week, and where the strengths are, and what conclusions we think we can draw in the interim.

So, I’m going to start with Drew, because I overheard him making some observations during the break.

DREW BAGLEY:

I was weighing in on your observations, then adding observations. But yes, this is Drew Bagley for the record. So, something that we just talked about, where we talked about two things during the break that we took away from this presentation, so one of which is that through the lens that we're looking at all of this through, it seems that the new safeguards put in place for new gTLDs perhaps have not had an effect on abuse, whereas registration restrictions, that are used by some new gTLDs, have had an effect, meaning that the more restrictive the registration process is, so that it's more cumbersome for someone to register a domain name, that perhaps, absolutely has a strong correlation with mitigating abuse, whereas the provisions put in place on registrars and on registry operators themselves in terms of contractual requirements from ICANN, perhaps have not had any role in curbing overall abuse rates.

At least, from what we've been able to digest very quickly after seeing that presentation. And so obviously, we need to do more scrutiny. And then another question that I think we should look into is, how long that registrar that is now un-accredited was actually accredited for as a new gTLD registrar while having, I don't have the abuse rate in front of me, but 99 point whatever percent abuse rate for new gTLDs?

Because it seems like any amount of time it would be too long, but we should definitely scrutinize that, and better understand what that process was for actually getting them to be dis-accredited, if in fact, they were just, you know, allowing for this much abuse in violation of ICANN's policies.

So, those are some initial observations.

JONATHAN ZUCK:

Thanks Drew. This is Jonathan. In fact, the opposite seems to be true, which is that the, for some reason, that is yet unproven, the new gTLDs appear to be a more attractive place for abuse. So, they haven't increased the number of people engaged in the practice, but they seem to be a more attractive place to do it.

And so, those new restrictions of general restrictions, contractual restrictions, are certainly not, it would seem, playing a curative role in that particular area.

Carlos, go ahead.

CARLOS RAUL GUTIERREZ: Can you repeat what you said? Curative, I think it's the opposite. Safeguards, initial safeguards... [CROSSTALK] Why was expected to be a preventive? And this is what you are hypothesizing, did not happen. The preventive part.

JONATHAN ZUCK: That's right.

CARLOS RAUL GUTIERREZ: Okay, thank you. I just wanted to get it.

JONATHAN ZUCK: Preventive safeguards are meant to be helping. And in fact, there is something about new gTLDs that are making them more attractive, not less attractive as homes to abuse. Which we think might have to do with price.

DREW BAGLEY: Yeah, along those exact lines... This is Drew Bagley for the record. Along those exact lines, I found it particularly interesting that the overwhelming majority of new gTLD domain names associated with abuse appear to have been registered for that purpose, versus being compromised as they are in legacy.

So, that, I think, is very alarming in light of the fact that there were safeguards put in place to mitigate abuse, and then also, I think that is something that would likely have a correlation to prices. Everyone speculates.

And so, we should determine as a review team, how we would like to incorporate price into a recommendation for future

research, as we're making these recommendations about future research.

JONATHAN ZUCK: Jordyn Buchannan observes that the trend we're discussing has more to do with spam than the other forms of abuse. In other words, we can't definitively say that new gTLDs are more attractive for malware and phishing, but mostly for spam. Is that right?

MAARTEN WULINK: Yeah, but we also need to take into account that a lot of, a large portion of spam domains are actually phishing domains, or are also malware domains. But...

JONATHAN ZUCK: Spam is the gateway drug to phishing.

MAARTEN WULINK: Also the very important detail about Spam House is that they make a lot of [inaudible] checks, because just as domain name based blacklist. And this is something that is used in operational environments, so they make a lot of effort to filter out all compromised domains that could potentially harm legitimate services.

So, for that reason, the great majority, overwhelming majority of those domains, are maliciously registered in Spam House.

CARLOS RAUL GUTIERREZ: Thank you, Jonathan. Carlos again for the record. Did I hear right that you mentioned that new gTLDs have a facilitated way or automatic way to register lots of names, or was I still asleep?

MAARTEN WULINK: Yes. We've seen such an example, yeah.

So, that was the same TLD as, that was one of the most abused TLD, yeah.

JONATHAN ZUCK: I don't know if anyone here is a contract specialist, but this is what's going on in the chat, is that the specific safeguard, one of the... One, at least, of this was the safeguards in the contract doesn't include spam as one of the listed illegal activities that could lead to suspension of a domain name.

So, in other words, it could be that the safeguards are better shaped to prevent other types of abuse than spam.

[SPEAKER OFF MICROPHONE]

I don't know the answer to that. That's what I was asking, was there a contract expert. So, Jordyn has agreed to take on the task of looking for the areas where, in the contract, that may not have included spam and may not have been included in the umbrella clause.

I'm speaking faster than he can type. Too late, Jordyn, you've taken that on. Other questions or comments about this? Waudu, go ahead.

WAUDO SIGANGA:

Waudu for the record. I'm just wondering whether it's really correct for us to, perhaps, lay the blame on the safeguards, rather than on the actual implementation. I think the problem of implementation of the safeguards, if we take the example of that register that was accredited, and then try to map perhaps the history of that register to the safeguards, I don't know how, what we'll come up with in terms of what happened in the implementation of the safeguards.

For example, the first safeguard was for the registry operators to be vetted. So, I don't know what kind of vetting went out for that register for the register to come out and be able to carry out this kind of activity. So, in short, what I'm trying to say is that maybe we need to look at the implementation of the safeguards, rather than the safeguards, just you know, as safeguards.

CARLTON SAMUELS: Carlton Samuels for the record. There was a note that said some of the registrations were from none un-accredited registrars. The gTLD program, one of the prerequisites for joining, you have to be accredited. So, I'm just adding to what Waudu is saying here. If they were accredited and it is a prerequisite for participation in selling gTLD domains, wonder how they managed to get into the program?

LAUREEN KAPIN: This is Laureen Kapin. So, my question is, when we were talking about pricing information and the hypothesis that will likely turn out to be correct, that low cost domains are more, there is a correlation between a low cost and levels of abuse. Do we have access to that information? Is that information we've already collected? Because I'm seeing the DNS abuse folks shake their hand.

I'm wondering if we have collected that separately as part of our review team activities.

[SPEAKER OFF MICROPHONE]

So, we do have that data. Yes? No? I mean, we have some data.

Eleeza, maybe you can be precisely illuminating on this.

ELEEZA AGOPIAN:

Thank you. Hi, this is Eleeza Agopian. So, the pricing data that analysis group collected for us, is held in confidence by them, because it was part of the agreement that the registries registrars that did provide data went directly to them. The data that we did receive, that they did receive, I should say, came from a sample of registries and registrars.

The wholesale prices is what we got from, I think, about 100 registry operators, if I'm remembering correctly. And as you'll recall, we got no price data from registrars, retail price data. That being said, we then used a lot of these online sources that include list prices, but those are kind of snapshots in time.

There are no transactional prices there, so it's kind of a limited window into the pricing market.

LAUREEN KAPIN:

I just want to make sure I'm summarizing it correctly. So, what we would be most interested though is retail pricing, because that's the price that folks were going to scoop up these domains for malicious purposes are paying, they're not paying wholesale, they're paying retail. And when we look at public sources of retail information, it's a snapshot, it's limited, it's not the sort of

systematic collection that we might want to use if we were going to draw firm conclusions.

Is that fair? Drew.

DREW BAGLEY: We would also want to know about specials. So, oftentimes, campaigns are associated with sales where you can register a domain name for 99 cents or whatever.

LAUREEN KAPIN: I'm wondering if there... And this is a question for our study authors. Is there a manageable, not extraordinary costly way to gather that information, so we would be able to make such correlations?

MAARTEN WULINK: Yeah, we could definitely do it. I'm not sure if it would be possible until the end of the study, but probably not. But it definitely makes sense. I believe it wouldn't be that costly, but definitely [inaudible] extend the project.

CARLOS RAUL GUTIERREZ: Carlos for the record. I don't doubt that you can do it, but can you collect the prices? Are we talking about the same thing here?

Assuming those are only retail prices, I mean, can you create a time series? The problem is the length of collection time.

MAARTEN WULINK: So, there are some data sets. I already contacted some data providers. They do not collect very detailed historical data, but if we start collecting now, then in a few months' time, we will have, we will be able to provide time series analysis, including much more detailed analysis.

I believe that Drew was suggesting that if there are some promotions, we could correlate this with some spikes in malicious registrations.

JONATHAN ZUCK: Do we have a sense of what that...? You don't believe that that would be a particularly high cost thing to do? To start collecting now?

MAARTEN WULINK: No. The data itself shouldn't be that expensive. Yeah, it should be like 100 to 500 Euros, from what I remember, from one specific API that I have in my mind.

JONATHAN ZUCK: It will help us with our cost benefit analysis discussion that we have coming up, because strangely enough, we made a recommendation to track this information. Drew.

DREW BAGLEY: So, I know it was perhaps an impossible task, at this point with the data you had, to associate, to correlate these domain names with resellers. But is it possible, with the data set you have, to at least analyze, or determine how much of an overall percentage of these domain names are associated with resellers in general? Even if you can't pinpoint the exact reseller?

MAARTEN WULINK: I believe the same answer, not within this project, but definitely in the follow-up. That would be very interesting and we could definitely do that.

FABRO STEIBEL: Fabro for the record. One thing. One of the...

[SPEAKER OFF MICROPHONE]

MACIEJ KORCZYNSKI: We were discussing the previous one. It might be, actually Drew, it might be a bit more challenging, because now we discuss with Martin in WHOIS data, there are changes of actual resellers. But

there is still, I believe, we would need to think it over, but that could be some extent of this. I mean, starting with very simple things, like verifying [inaudible] rates in those kinds that are accredited registers versus those that are some changes. Right?

So, that's something, that would definitely be the starting point of this part, this study.

FABRO STEIBEL:

Question. Just because, I'm just reviewing here the safeguards that we are supposed to make a comment on. And one of them is prohibiting wild carding. Do you have any ideas if wild carding was used in the simple you have or not? It's not [inaudible], I'm just asking if, eventually, you have any evidence on that.

MACIEJ KORCZYNSKI:

No, we don't have any evidence, no, but yeah. We would expect that yeah, no evidence.

UNKNOWN SPEAKER:

Jordyn Buchannan has a comment. It's a long one. My high level reaction to this data is, on the one hand, to agree with Drew, that it seems the safeguards are not working that well with the caveat that it's interesting to see that one of the abuse vector, to see that the one abuse vector is not mentioned in the

contract is the one that seems to have substantially migrated to new gTLDs.

But, that since the total amount of abuse does not seem to have increase, in fact, I think, most of the trend lines are slightly down over time, we're not seeing the new gTLDs result in new abuse. Just the same bad hombres deciding to use a new gTLD versus a legacy gTLD for abuse that would be occurring one way or the, I'm guess it's other.

One way or the other regardless of the program.

JONATHAN ZUCK:

But it also means that the safeguards didn't leave to a decrease necessarily, right? It's a neutral response of the [inaudible] marketplace, malicious activity marketplace for the new gTLD program.

MACIEJ KORCZYNSKI:

Could I also... I have one comment about safeguards. Maybe also, it would be interesting to go safeguard by safeguard. And rationally, decide if they could actually potentially influence decrease or prevention of abusive activities. Because for example, DNSSEC that was also requested in the study, does not prevent phishing attacks.

But in our [inaudible] analysis, how we interpret DNSSEC deployment rate, we implement it rather as a proxy for security efforts of the new gTLDs. So, basically, if a new gTLD deploys DNSSEC in a second level domain name, that it means that probably it also does more to secure domains, or to prevent malicious registrations, for example.

I believe the general maybe less, also is like to go safeguard by safeguard, and deciding if it really can prevent some phishing domains. Personally, I'm not too sure if there is [inaudible], yeah, thank you.

JONATHAN ZUCK:

I guess the other question that came up, and this is for ICANN staff, is, and maybe it's with respect to conversations with compliance. Is there a way to use the dis-accredited registrars, a case study of timeframes and processes or something like that? Since they were able to get to a pretty high level of abuse over a fairly extended period of time.

And is there a way to track that down? Or should we try to raise that as an issue with compliance? I'm looking at you Eleeza, and I apologize. I don't know if you're the right person to look at.

ELEEZA AGOPIAN:

This is Eleeza. I am the best vector for passing that along. I think, I've already sent a note to our registrar services team to get a little bit more information about the registrar we were discussing earlier. I think there are certain things, there are certainly certain dates and things that we can share that may be helpful to the researchers in trying to pinpoint new information about that.

Is that what you're asking? I mean, we can find out, for example, there was a question I noted down from Drew, finding out, or I think it was Carlton, when they were, you know, when they signed the 2013 RAA, when they started selling new Gs, and then they were due accredited, and when, where those registrations moved to. So, I've already inquired about those things.

JONTAHN ZUCK:

I think I was trying to get Waud's question more specifically, which was about implementation of safeguards. In other words, is the process that's in place to address these issues, sufficiently efficient? I think that's... So, I think more granular dates in terms of what letters were sent, what responses were received, what that process looked like for that...

Because now, they've already been named and shamed. I mean, this desire to be, you know, gentle with them because they're self-correcting, which is what comes up so often with

compliance, seems to be off the table at this point, because we've, they've been through the final gauntlet in a sense.

And so is it possible to go back and actually review that gauntlet and what the processes were to see if there is recommendations that can be made to make that process more efficient so that it doesn't take three years of 99% abusive activity for somebody to be dis-accredited.

ELEEZA AGOPIAN:

So, there is some information. This is Eleeza again. On the, when a notice of breach was sent, and so far, those are all... All of that correspondence is on our page. Maguy will be here tomorrow when we discuss the ICANN org input. That may be a good time to bring up that topic with her, and I'll talk to her as well, let her know that you're interested in discussing this.

JONATHAN ZUCK:

Right, right. So, maybe she could come with some of it, as opposed to us bringing it up and her saying, I would need to look into it, right? In theory. All right.

CARLTON SAMUELS:

It's Carlton for the record. Just to add a little bit. When we ask the question about the timeline for accreditation and so on, for

the registrars to see when they were vetted to sell new gTLD programs, that was one point just to see what the accreditation program was.

But to speak toward an interest of mine, in looking at what happened subsequently in de-accreditation. The information that we have, we had a lot of emails from a couple of the people who went after these abusers, the most prevalent complaint is that you have to complain several times about a bad actor before you start seeing anything happening.

And the question is always, what is the registry, the registry agreement, compels it to act on receipt of information about bad action in the DNS space. And it's the time it takes for the registry to respond that is of great issue here, because the reporting mechanism to get back to compliance is a longer stretch. So, the first point of contact is the registry, and the registry compliance is what is at issue.

What the general issue is that the registry says it takes this long while because there is due diligence and you have to go through all of these processes, but these people are not so convinced that it should take that long, according to the registry agreement, the registry, registrar agreement.

JONATHAN ZUCK: So, I guess, in addition to compliance, the vetting process didn't have anything to do with compliance, that was a different process as well.

ELEEZA AGOPIAN: When you say vetting, you mean what the registrar accreditation process is? So, there is a lot of information on that, on our website. I don't know if you want someone to walk you through how...

CARLTON SAMUELS: ...seen that. We've seen the timeline for accreditation. That's not the issue, because that's not what I was asking the original question. If there was anything that I was missing from that. What we're talking about here is, there is a timeline in the agreement for the registry to respond to a complaint of abuse, and that is long before compliance, ICANN compliance even get involved with it.

And what they're saying is that that timeline is not being adhered to at all by the registries. And so, people are allowed to act badly for a longer period than the registry agreement with ICANN says, and the registry registrar agreements with the registrar says. So, there are two sets of agreements here.

The top one, the registry agreement with ICANN. The second one, the registry registrar agreement. And they are two separate timelines with that. That needs to be looked at.

ELEEZA AGOPIAN: So, what exactly information are you looking for? Complaints about registries or registrars not adhering to those timelines? So, specifically, how many complaints have there been, with regard to that?

CARLTON SAMUELS: That's what we want, because that's what is missing. We don't know. That's a black hole.

JONATHAN ZUCK: And I guess I was [inaudible] again to Waudo is thinking about vetting. This is information about the process, but again, is there information about the process, for example, to that particular registrar?

ELEEZA AGOPIAN: I'm sorry. Could you say that again?

JONATHAN ZUCK: I'm sorry. Is there a vetting case study to be made of that particular registrar to see if there were additional questions that should have been asked or something like that? So, there is documentation with the process is generally on the site, right? But is there anything that is able to be gathered about the vetting process of that particular registrar?

ELEEZA AGOPIAN: This is the managing registrar.

JONATHAN ZUCK: And the others, if there are others that would be worthy of this level of scrutiny, that's the one that pops out because of the 99%. But are there others in the report that are worth looking at as case studies, both for the process of contractual compliance along the way, and also the vetting process initially? Are there others that you would recommend?

MACIEJ KORCZYNSKI: I guess also, taking a lot at registries would make sense. Registries and also TLDs, individual TLDs, because their percentages for some of them are also very high. Yeah.

JONATHAN ZUCK: Right. Good. But just trying to keep my mind from exploding, my question is just about registrars. So, for example, the registrar in [inaudible], right? Is it worth trying to look at this information about them as well? That's my question.

Are there others besides that [inaudible] registry, that perhaps have not been dis-accredited yet, that we should be looking at, that are high levels like that?

MAARTEN WULINK: It depends. How are you define high levels? At the moment, we have these tables where, these are sorted out by percentage, ration of their number of domains, and then the portion of abusive behavior for domains. But official, like the [inaudible] if you [inaudible] on top with only a couple of hundred domains, and at the bottom end of the table, it can be a player with a million domain names having a lower score.

So, I think definitely there are other interesting registrars, where there is a lot of abuse, which maybe we can highlight as well in the paper. We find a couple of more examples, and maybe do a little bit more digging into, if you see some spikes or whatever, if we can find some explanation for this. Yeah?

JONATHAN ZUCK:

I mean, I know you have the other part of your, the inferential part of your report might address some of this, but we're just trying to figure out if there are things that we should be looking at. And top of mind, it seems like a high rate of malicious registrations is the more interesting one from a procedural reform standpoint.

So, in other words, the ones where there was a low rate, but high volume because of overall high volumes, seem less interesting from a reform standpoint, then registrars with very high percentages of abusive registrations.

MACIEJ KORCZYNSKI:

So, if I may make a comment here. Also, we make some studies for hosting providers, and what we see that there is a group of very negligent or even bullet proof hosting. So, those are guys who are facilitating actually cybercriminals activities. And what we see, they actually combine legitimate business with malicious business.

So that, they are, maybe the rates are even not that high, because there is a large part of legitimate business there, but also there is a part that they are targeting specifically clients from cyber criminals. So, a part from...

So, in other words, even if we now say like, let's say 60% of all registrations are malicious, and if we put some threshold then, then we could think one or two steps further, that the registrars might adopt their business models. But this is something, for sure, investigating those cases, even with lower rates. It makes a lot of sense, because maybe they're already adjusting, taking into account the registrar with 99.9% that was actually discredited.

DAVID TAYLOR:

Hi. David Taylor for the record. Just following on from this discussion, and I think the thing which stood out, one of the things which stood out, was the very high abuse we saw coming from [inaudible], and it was 43 to 47% depending on whether you were looking at stop bad ware, or [inaudible], or Spam House.

Which is enormous, because when you look at the US, that's 10 times the abuse of the US. And it's 100 times the abuse of the UK. And [inaudible] is a rock. So that just stands out massively to me, and we're talking about the registrar, which is the one you mentioned [inaudible] names, it's the one concerned, which then has a link to the registries or the registry.

It's certainly indicative that there is something wrong, because it's this amount of abuse coming out of one area. So, what are

we recommending? What do we look at? Because if you can't sort of take out the big hanging fruit, and the abuse is everywhere, what do you do about it?

And is that the accreditation of a registrar, and what's being done already? And maybe there is something being done with that registrar. I have no idea. But we might be able to discuss that. But it's also what we come out as a review team on this bad behavior, and trying just to minimize it.

JONATHAN ZUCK: We found the rock, we need to find the paper and the scissors, I guess. All right.

WAUDO SIGANGA: Just following up. This is Waudo for the record. Just following up on the point about the role of hosting services in facilitating the DNS abuse. I wonder, the hosting services themselves are not contracted parties to ICANN. So, could that be a point for maybe some recommendation that they come within the habit of being contracted parties?

[SPEAKER OFF MICROPHONE]

Just a question, okay.

CARLTON SAMUELS: Carlton for the record. Straight up, no.

CALVIN BROWNE: Calvin for the record. Ditto.

CARLTON SAMUELS: Can I go back to the question? Listen, the DNS abuse, remember, you know, the abuse, they're using the domain technically the right way, the same way we expect them to use it. They're just sitting it for nefarious purposes. The objective is for nefarious purposes.

So, in my view, you're going to always have abuse. It's going to always be with us. And so, the objective for us, I think, is to do what we must to keep it in check. And maybe even decrease it, but you're certainly not going to eliminate. And so, I think we should spend the time trying to do what we can to keep it in check, quite frankly.

JONATHAN ZUCK: Agreed. We're trying to figure out what those things are, I think. So, I think that's right. Maguy, welcome. You picked a very good time to...

[SPEAKER OFF MICROPHONE]

MAGUY SERAD:

So, thank you for... I asked Eleeza if I may join, just sit in, because listening to the different concerns you are, and the topics that this working group is bringing forward, is very important. Not to me in my role, but to me also as an individual, as an internet user, and as a mom, also.

But I wanted to sit in because it gives me a better appreciation of what are the challenges, or what are the discussions about in the background? You know, to have an appreciation for why we are trying to address this. Sometimes people say, come to us to compliance, I want this. But sometimes, by understanding the why, we can even provide this plus other things.

So, I'm not going to take too much of your time, but to address the rock, the scissors, what is the third one? Paper. See, I told you, I'm not quite awake yet. We are very much aware of those activities. There are lots of activities going on to see how we can address them, but the biggest partnership that now with the creation of David Conrad's team, the Octo Office, we have the opportunity to really partner, not just from a contractual obligation perspective, but also from the DNS and the security and stability of the internet, which is the bigger role that David and his team work on.

So, we are very much aware of the topics, and the... I'm not going to name anybody here, but all the names you mentioned

are on our radar screen, and there are lots of work and activities underway. And there is no reason for the secrecy, I'll just because we don't have facts yet to bring forward. We all know reports have different resources, different ways of calculating the means of what determines this abuse.

What we're trying to do is, how can we in compliance put it in a contractual obligation, so we can pursue it properly? And in those areas where we are not able to identify or review it, we're partnering with David Conrad and his team to see what can the SSR team, the Security, Stability, Resiliency team in John Crane's area do to help us address that.

So, I just wanted to speak to that, because I know it's on everybody's mind. It's on the reports, we read them, believe me. We read every blog, every Twitter, some hurt, some just like, yeah, we know. But we have a lot of activities. But, if you are aware of specific reports and you can provide us more facts, usually these areas, these contracts, are very creative. Very, very creative.

And Lauren is... Because we face some of the scenarios together. And if we don't have the facts to stop it, we can't just go based on any report. So, if you have specific facts, we can really say then, you are in breach of your agreement. However,

before we breach you, we really want to make sure that you take the actions to remediate it.

We don't want to always accuse falsely. It may be, it's the registrant on the other end, but you're still harvesting that behavior. So, facts help us get to a resolution, and if we cannot get to a resolution, we will very clearly state that it's outside of our realm of compliance, but we will turn it over to the SSR team and Octo.

So, I just wanted to share that with you because there is a lot of activity going on, on that.

JONATHAN ZUCK:

My reaction is, that it's so often that there is a lot of activity going on. There isn't anything that we can do anything with. That is an information for us really, right? I mean, that's the problem. And so, one of the things that these folks just completed in an interim version of a report on DNS abuse, right?

And I don't know if you've had a chance to see interim report, but one of the characteristics, if you will, and stop me if I'm mischaracterizing, is that the level of DNS abuse has remained fairly constant, but there seems to be a migration, particularly in the area of spam, to new gTLDs.

And so, and Jordyn observed that the new contract safeguards related to DNS abuse don't mention spam, and so is there an issue where spam is less of an issue for contractual compliance than malware and phishing, because there are explicitly mentioned.

And is that an area where a contractual change would make your job easier to address issues of spam, so that the safeguards could have a mitigating effect on spam, for example? Does that question make sense?

MAGUY SERAD:

I think so. So, what we try to do, even if it's not specifically mentioned, as we all know, this whole internet is evolving. The crime and the aspects of it is changing on a daily basis. There is no way in one contract you're going to be able to include every aspect of it. So, let's keep that, you know, in our mind.

So, from that perspective, should we add it to the contract? It's not for me, it's for the working group to kind of discuss what, maybe leave it open-ended. It's up to you guys to determine how. But from a compliance perspective, when we see that, we still go after, even though we do admit it is not specifically in scope, but it's about the security and stability.

And again, like I said, if we're not able to, if we get push back, because people might be pushing back, it's not in the scope of the contract, we do transition it to Octo team to see what can we do? How can we educate? What efforts can be done?

And I would like to address the first comment you made, Jonathan. We hear about a lot of activities, but you don't, it's not published, it's not, you know, reported on. And I think if anybody is in any aspect of investigative work or law enforcement, there are always activities. You don't always tell the public everything you're doing, because sometimes you're lacking facts, or you have to get to the bottom of it before it's on the news.

So, while I have an appreciation of lack of information being available to everyone, but again, lack of information because we may still be in the process of reviewing, or missing some facts to really put our finger on it.

So, that's a balance that we're struggling with, to be honest with you.

JONATHAN ZUCK:

And Maguy, we've had this conversation for many years now. I don't want you to give up confidential information, or undermine an investigation. The problem is, we are in the, we

are tasked with trying to potentially recommend reform. And so, we can only recommend reform with facts. And so, reassurances that there is lots going on, does not help us is all I'm saying.

I'm not saying that there is more information that you can be sharing that you're not. I don't know the answer to that. I'm simply saying that that information is not information really for us. So, the question we're trying to grapple with is, whether or not there are changes that would be worth making.

And so, one example is, what's the name of the registrar? [Inaudible] limited, or something like that? That had a 99% rate of abuse over a period of three years. So, is there a way to use that? Now that they've been named, right? There shouldn't be anything confidential about it anymore, right?

Because you're not trying to get them to reform themselves. And I understand all of that. Now that they've gone through the whole process, can that process be brought to the surface as a kind of case study of what those three years looked like? And what happened, and where they might have been inefficiencies or delays, or thresholds that were not met, or something like that, that would help us to help you, and therefore the internet community, shorten the lifespan of a registrar that is engaged in almost 100% abusive registrations.

I mean, that feels like something that shouldn't take three years to go away. And that's not to place blame at your feet. I don't know the answer. That's the whole point. We don't know what that process looked like.

And is there a way, now that it's done, to just look at all of that and say, wow, this particular part here took four months? And is there a way to change that timeline? Or, this registry didn't get back in touch with us when we made a request for information, and can we figure out how to shorten that process or something? We're trying to figure out how to help, because we're only interested in outcomes.

And so, right now, it appears as though those safeguards are not working. That's all we can judge from the outcomes, so what could we do to improve them or to improve the implementation of them as Waudou has suggested?

Laureen, go ahead.

LAUREEN KAPLIN:

This is Laureen for the record. So, I mean, there are some contract provisions that do contain catchalls, and I just, you know, for the record, want to point out 3.18 of the registrar accreditation agreement, because that's the provision I was thinking of. And that prohibits... This is the agreement between

the registrar and the registrant, and that prohibits registrants from distributing malware, abusively operating bot nets, phishing, engaging in piracy, trademark, or copyright infringement, fraudulent or deceptive practices, counterfeiting, or otherwise engaging in activity contrary to applicable law.

So, I mean, it's a very broadly worded provision, so my sense is you certainly could argue that spam falls within that, but if there is doubt, or if there are jurisdictions where spam isn't contrary to law, and it's certainly conceivable that there are, and even in the US, it's regulated precisely.

Then that is absolutely something for, I think, this review team to consider is, should these contracts specifically reference spam as a problematic activity? Or spam as problematic when it meets certain criteria? So, I raise it because what we're seeing is spam, as I've said, is sort of this gateway drug, to use an analogy, to other forms of abuse.

JONATHAN ZUCK:

And then Jordyn followed on with that. Again, just objectively, is there a difference in enforcement currently from ICANN between spam and other forms of abuse? Is there a distinction that's being made? You said that you're looking at both, but are they treated differently.

The malware and phishing versus spam. Are they different?
Your enforcement activities surrounding them are different.

MAGUY SERAD:

This is Maguy. I should have had more coffee this morning. So yes, it depends. If it's registrar related report, we do follow it based on provision 3.18, like you said Laureen, and we ask for specific information, and if they have addressed the concern or the abuse at hand. And then if it's registry related, then we address it from spec three 11 3B, which specifically lists the malware and all of the other aspects of it.

So, it is approached differently, but the review is conducted in an almost similar path. There is this report, show us evidence, or sometimes it is a specific abuse report that we receive on a specific domain name, and we say, show us evidence how you've addressed it. And as we all know, that's what I meant by saying created earlier, it is, they may say, okay, I've suspended the domain name.

And then that activity gets carried somewhere else. So again, you may address one. It's, how do we address the bigger picture is what we're struggling with. And what we're trying to work with octo team on. Because it's one thing to have one target at a time, but we really need to address the bigger picture, and that's why we've partnered with octo team.

So, what can we do at a big picture, taking reports like what you're talking about? And addressing the low-hanging fruits. So, that's the one we're trying to work on and hope to have some more information about how we're doing and what is that process about.

JONATHAN ZUCK:

Thank you, Maguy. Perhaps you can answer this question tomorrow. I know that you're jet-lagged and everything. Just specifically dealing with spec 11, registry complaints. Is a complaint about spam treated differently than a complaint about malware or phishing? That's the question, because in spec 11, malware and phishing are mentioned, and spam isn't.

So, are they treated differently by compliance? That's Jordyn's question. And tomorrow is find to answer it, but I wanted to be as specific as possible.

LAUREEN KAPLIN:

And can I just...? For clarification, pardon me if I'm telling things that people don't know. But just like unwanted calls that you get from telemarketers aren't necessarily illegal, it depends on how it's regulated, for instance, if you get a call from your bank, you have a relationship with your bank, that may be annoying, but it's not illegal. It's the same with spam.

Spam, in and of itself, doesn't necessarily fall within this contract provision, it's when spam is being used to perpetuate phishing or malware, or abuse that is problematic. So, I just want us to be precise and not use shorthand and say that it's always spam, this is the evil that we need to fight against.

That is way over stated. It's spam when it's being used as a vehicle to perpetuate abusive activities that we're concerned about, and we see this correlation that spam often does. That is why we're concerned. But that's also why this catch-all can catch it sometimes, but not all of the time.

So, I just want to make sure we're precise in our thinking here, and not using spam as spam equals illegal, that is not accurate.

JONATHAN ZUCK:

And none of it is actually illegal necessarily, or only some of it is. We're talking about contractual provisions in this case. Not the law, right? And so, that's an important distinction as well. And we are talking about spec 11, which is not where the catch-all exists.

And the other issue is that we're looking at Spam House, and we're looking at the operational response to reports like the one from Spam House, that means that entire domains are being blocked because they're more prevalent for spam. And so, even

just the light-hearted, happy go lucky spam that is not related to phishing or malware, is still a problem from the standpoint of operational filters and things like that.

And so, I mean, it's one of the things that are being reported on. We're seeing a trend of spam moving to new gTLDs. And so, that's spam more broadly defined, so I guess the question is, is there something about the new gTLDs that makes them a better place for spam to live? And is there anything that we can do to mitigate that, right?

Sorry, that wasn't in the microphone. This is Jonathan for the record. Are there any further questions on the DNS abuse report or comments on what we need to try and keep going forward? So, we'll be talking to Maguy a little bit more tomorrow, I think, and so we've put some things on your radar, I guess. Okay.

Carlos, go ahead.

CARLOS RAUL GUTIERREZ: Will there be a follow-up on this idea of going a little bit deeper on retail prices? Or, it remains as an open issue? I just wanted to know if there would be something coming or not, from our side, of course, if ICANN decides to do it.

JONATHAN ZUCK:

I think, Carlos, that it's going to be us potentially making a recommendation that further study is done, rather than us engaging in further study on that issue.

All right? Any other questions, comments? All right, thank you. Let's move on, I guess. So, next on the agenda is beginning to look at some of the public comments associated with our draft report, our interim report. And the first one, of course, is one of the more abstract and difficult ones, so we're diving into the deep end of the pool, because recommendation one, if you recall, is about greater use of data in ICANN generally, and potentially making a structural recommendation to have a dedicated staff or dedicated process related to data so that data is collected in a more comprehensive fashion going forward, so that the search for data is more automatic for future review teams, and policy work, etc.

I don't know the best way... I spent last night trying to think about the best way to manage a conversation on this, because in some ways, this is the most abstract of the recommendations, and so it's a tough thing to manage a conversation on. I feel like the most substantive comment that came back, frankly, was from ICANN itself, which was that we have a research department, and Brian and Eleeza both work for now, and already serve the community in this way of either getting data

collected going around to the organization to retrieve data, or facilitating the contract for outside data.

And so, their question was about, what do you want beyond that? Right? What we're already doing. And I don't know if I'm accurately... Because you've voiced it in a couple of meetings too, so I don't know, Eleeza, if you want to add any color commentary to that, but that's my very high-level summary of that comment, that was the most substantive of all of the comments about this particular recommendation.

So, I know that we have an ICANN dot org discussion tomorrow, etc., but since it's actually your department, you want to embellish my, all be it, brief description.

ELEEZA AGOPIAN:

Thanks, Jonathan. This is Eleeza. So, I can tell you a little bit about our department and sort of where that commentary came from, and then I think that you may want to discuss this for with Trey and Akrim when they're here tomorrow. So, I manage the operations and policy research team, which is housed within GDD.

We report to Cyrus [inaudible]. My group is focused on a few things. One is kind of separate from the review and research, is helping to guide policy implementation through. So, we guide

IRTs, work on policy language with IRTs, work with our colleagues through the rest of the organization, compliance, GDD operations, and so on and so forth. So, that's one side.

On the research side... And some of that does include research, obviously in terms of policy implementation. On the research side, we've also been providing various types of research support for PDPs when questions come up, for review teams such as this one. We're providing some research support for the SSR review that's underway now as well.

And a lot of that work that we've done has been in response to community requests, in fact, almost exclusively in response to community requests, for example, predecessor group to this group. The implementation advisory group that Jonathan helped lead, was the one that came up with, at the set of metrics that we've been collecting and publishing online, for the benefit of this team.

You know, the comments that I've made in previous meetings about this recommendation in particular, is that in a lot of ways, our team is doing that. Obviously, we're very focused on particular policies, things that are relevant to GDD, and we try to be responsive, but we also try to be, you know, looking ahead to what may be useful in trying to answer questions before they come up.

So, that's kind of a broad discussion of what our team does. I'm happy to answer more questions about it, but that's what we're there for. We're there to do research, and it's often in response to requests. So, I think a lot of the recommendations that have been made in this report, will ultimately flow down to my team, for us to implement, which is good because we're kind of familiar with where they're coming from, and what the requests are couched in, the desire that they're couched in.

But I think, you know, that's why there have been questions about this recommendation in particular, asking for more detail and nuance about how this is different from what other teams do. So, in addition to my team reports, there is the octo team that does, you know, technical related research on the DNS, they're producing the DART DNS abuse reporting tool that Maguy mentioned just before this conversation.

And there are other groups doing different types of research. So, we're kind of trying to get a sense of what else can we do? What do you see as missing? And I think it's good to have this conversation now, but I also think we should have it tomorrow, in the conversation with Akrim.

JONATHAN ZUCK:

It may fall to me to comment on this, I guess. The recommendations, it's interesting because at some level, it was

very specific, and then we moved back to make it less specific. Right? Because it was about initially hiring a dedicated scientist or something like that, that raised the issue of data driven policy to a high level within the organization.

In other words, making it a focus to be more proactive and making it something that was less of a skunk work's operation with the organization, and more of a high-level thing that, you know, the history of the organization is that objectives are set like, we will hire three new people for this department.

And then at the end of the year, there is a report that we hired three more people for that department. And so the getting further back, you know... Not to pick on compliance, and so please don't take it this way. I'm making a hypothetical suggestion, but you know, the real issue is that the average time to bring a complaint to resolution, one way or the other, is longer than we want it to be. And so, then the proposed solution to that is, we need more staff so that things could be processed more efficiently.

And so then, an objective is set to hire three more people for my lawyers for the compliance department, and then we find out that three more lawyers were hired. But we never heard the statistic of what the average time for complaint registration, you

know, resolution was, and what it now is, after hiring the three new people.

And the idea of implementing safeguards, or implementing a new database in compliance or something, that went from an outlook database to a sales force database, but still somehow didn't become a granular exercise in data collection, but still became an amorphous text based exercise, I think is an ongoing frustration for the community in terms of not having the data necessary to proceed.

And so, in this group, as you've been aware, when we've looked back, we've had difficulty in getting data that ICANN might have collected along the way, and so the question is, is there a way when there is a strategic plan, when there is a policy issue that it's a pro-active thing to say, okay, what are the data that we need to identify the problem and what are the data that we should use to identify the degree to which the recommendations mitigated the problem?

And so, it's very high level, but it's about it being something that is proactively suggested, designed, and managed, so that the actual review ends up being, yeah, here is that data. Here is this data. We're not going around trying to reconstruct the past or something like that. And I guess that's where that recommendation comes from. And I'm sorry it's so high level,

but it feels like an ongoing frustration despite the presence of your amazing department, that we've availed ourselves here and in the previous review.

So, it's not meant to be an indictment at all of what you do, but a structural indictment of the organization not being sufficiently proactive about data. Does that make sense, at all?

LAUREEN KAPIN:

So, I just wanted to follow on Jonathan's observations, because it seems to me we are, this is an apples and oranges back and forth that I'm hearing. Because I see our recommendation really as being one of prioritization and leadership saying, this is important and systematically, these issues are going to be incorporated as part of every review.

And when Jonathan uses the word proactive, to me, that's what he's talking about, i.e. this is something that's incorporated into every review, and that's very different from saying there is not enough staff to respond to data needs as they come up. One is, you know, responding to requests, which I think most folks on our review team can agree that you have been, you and your team have been wonderfully responsive, and Maguy as well, when we're asking for information.

There is a lot of information out there, but that's very different from a recommendation saying the organization should prioritize looking at the impact, for example, of certain policy recommendations, what is the problem that's attempting to be solved by this policy recommendation? What is the scenario before the recommendation?

What is the scenario after the recommendation? Okay, now we know this recommendation was really effective. Or, now we know these recommendations didn't solve this problem. Do we have insights into what might? It's that rigorous process that I think that our recommendation is aimed out.

So, that's where I see the back and forth here being a little bit like ships passing in the night.

I mean, Jonathan jump in if I'm misinterpreting.

MEGAN:

Well, I was just going to agree with both of you. It's not up to us to tell ICANN how to manage its internal activities and choose and assess its staff. I think that's exactly what you're saying. We need the function, how you manage it yourselves is up to you, but that result is something that's been identified in the group.

And I think that's exactly what Jonathan and Laureen have said much more eloquently in a more detailed way than I would. I agree with what they said.

It was Megan for the record.

UNKNOWN SPEAKER:

Yeah, I think from what we've discussed from the past year and a half, a huge goal we have in this recommendation is to chisel away at the excuse that we can't weigh in, you know, that a future review team can't weigh in on something because the data isn't there. And oh, for us to do a research project on this, we can't do it because we would need historical data that's not there.

And I think that's a huge part of our goal here is to have a much more data driven, policy development. And so for us, it's within the purview we have with the review team, but I think this would benefit the whole community.

JONATHAN ZUCK:

This is Jonathan. I think it's distinct from the specific recommendations that we're making about data collection where we already know this data would be useful for a future CCT review team. And this recommendation is meant to be somehow abstracted from that, and say that putting a person,

department, etc. in charge of proactively identifying data sets would be helpful about the things that we don't know now, that we need in the future.

That might be for another review team, etc.

MAGUY SERAD:

I'm waking up slowly with the data discussion now. So, thank you. I think, I would like to look at this in two tracks, guys. You know, I don't want to go back to the history. We had zero data, we have now a lot of data, and now we're taking it to the next granularity.

You have spoken loud and clear, what is the level of granularity you need in the report. And through your requests in the past year or so, as we receive them from Eleeza and her team, and what we have try to do now, now we understand what is it we're looking for, we are implementing the solutions to give you the granularity.

It may not be what you call real time, push of a button, drill down, but we are implementing additional granularity to WHOIS inaccuracies split, as you said in your report, to the abuse split. We're looking at also the safeguard split, on granularity based on the contract. This group, your input into what data is needed, is critical. It's not about the function.

I would like to separate the function. It's understanding what is the level of data. Now, parallel to this group, I would like to inform this team of the policy effort. When policy reviews and discussions are underway, they come to compliance for two reasons. One is at the beginning, do we really have an issue?

And an issue could be specific to a specific policy requirement. For example, when the transfer policy, I can't tell you, it's like a soap opera. They're a number... I forgot which [inaudible] policy again, but they wanted to eliminate the form of authorization, one of the discussions. And they came to compliance, and we said, no do not do that.

Because this gives us a way to obtain better data and enforce the contract properly. So, when we work with the policy department, we provide them data up front to either identify a problem, or enhance a current policy. But at the same time, we've always told the policy team and the groups that are developing a policy, when you are putting a policy together to address an issue, let's baseline it, and identify the issue, but most importantly, please put what would be the value add of this policy.

How do you measure the success of this policy a year from now? Because what's happening in compliance, we find ourselves a

year from now, we want this data point, well, you never told us you needed this data point at the beginning.

We do make an effort to provide it, even though it's manual. But when a policy is put together, let's upfront identify what, define the success of it. What is the baseline? What are the problems being identified? Let's document it. Let's define it. Let's baseline it. And let's come back a year from now and then we're very happy to provide you that data.

So, I wanted to bring both aspects. The clarity of definition from this working group and other working groups is critical. While we want to proactively provide that, and we provide it to the intent we think it's needed, but we don't know what level we're looking for until we read the reports or engage with you.

ELEEZA AGOPIAN:

So, this is Eleeza. I don't have a whole lot more to add. I think Maguy just made a really good point. I think, and again, this is a conversation that we continue having. I think that the organization, as a whole, has made a lot of steps in the last couple of years toward being more transparent with data, providing more data up front.

There is the open data initiative that the octo team is also looking on now, that's kind of progressing along as well. There

are a lot of different things happening, parallel tracks of work that are related to this. I think, the overall comment that I have regarding this recommendation, I don't take this as a, I didn't take it as a knock on my team. By no means, I appreciate the compliments on the work that our team does. We're happy to do it.

It's why we do our jobs. I find it really fascinating. I think the challenge with this recommendation is enforcing what those needs are, but I understand your point, Jonathan, that there needs to be some more forethought given to that.

But there is also an element of, this isn't a one-way street, right? This is something that we need more input on, as Maguy was just saying. We're not mind readers. You know, we try to do this with implementation advisory group to foresee what this review would need, and came up with a set of metrics, and as it turned out, only a few of them were helpful to this review team ultimately, despite spending quite a bit of time working on that and a lot of effort on our team's part to collect that data.

That being said, our team used a lot of that data as baselining for other research projects that came up when we were looking at, for example, picks and different topics for this group. So, my general comment is that we are doing a lot of the things that are referenced here. Much of it has to come from just constantly

engaging being more involved at an earlier stage, for example, at a PDP or during the implementation phase to say, okay, what are our measures of success here?

And what do we need to be tracking? And we have all kinds of data throughout the organization on different things. You know, I think it would be helpful to have a little bit more guidance on what more we can do to make that any more systematic than it is. I think it's hard to foresee what else might happen in the future.

JONATHAN ZUCK:

It definitely is. And it's a little bit of a cop-out on our part, you know, I can see at a certain level. I mean, no one is more frustrated by the fact that we didn't use more of the metrics that I devoted two years of my life defining, and a lot of the issue there comes from the lack of economic model on which they were based, right?

And then the presence of an economist on this team substantially changed the way that we looked at this. I mean, I know that we very specifically thought that price would be a very bad metric for judging competition, or at least not a significant one, as is normally the case, because the low price point to begin with, right?

And price ended up playing a fairly big part of the discussion. And so, I guess part of this recommendation comes from having somebody who, and I confess, I don't know what everyone's abilities are, but the idea of having someone very high level with this data science background, helping to think of things in terms of data front in the way a community may not always qualified to do.

Maybe it's about involving people that are capable of doing that, as you say, earlier in that process within the policy development process, etc. so that the right kind of guidance is given. I just know that as, you know, to the extent of which I've done database design, there is data that ICANN has that isn't generated in a very elegant way from a database design standpoint, or granular way from a database design standpoint, and that thinking about that proactively would be useful, I think, in the, for future review teams and policy development teams.

And that's the additional piece is this kind of proactive thing that helping to guide the community to measure things whenever possible using data, and therefore, making recommendations for measures of success that are data driven going forward.

I mean, we had a non-PDP working group on data driven policy development that resulted in changes to the charter, and the policy report, that again, call for these things. And so, these are

all chipping away at this concept. And as you say, there are lots of things happening. I'm not sure that the open data initiative counts as happening at this point, but it's there and it is being talked about.

But I think that again, making it a high priority for the organization, whatever that means in the abstract, is the emotion that's driving this recommendation, and how to translate that into something operational may be where we're floundering.

UNKNOWN SPEAKER:

So, no, I'm not skeptical. I think the emotion is a good one, I just I think it would help the recommendation to provide a little more definition to it, because right now, just hiring a data scientist without much more than that, it doesn't give us a lot to go on.

So, that's, and again, I would raise this with Akrim tomorrow, that this is really coming. I provided my input on that, on the feedback there for transparency sake, but this is really coming from them organizationally, how would they handle this.

So, I think what they're looking for, and as you consider whether and if you want to change, whether and how you want to change this recommendation, is the more detail around the emotion.

JONATHAN ZUCK:

Sure. I can be more detailed. That creates another vector for attack. I think there should be a person that every time that there is a policy recommendation or strategic objective, put in a strategic plan, that the problems that we define by data and that the success should be measured by data.

There should be a timeframe set for measuring this, that data, and that should happen across the entire organization. And I think it ought to be somebody or some department's responsibility to make sure that's always the case. That's the recommendation specifically. Now, there are lots of ways to criticize that, but that is the specific recommendation that no policy should ever go out, no strategic objectives should be put in a strategic plan without a problem definition, and a success definition, and a timeframe for review of that success.

I think that's it. It's really a very short recommendation, but that's really it. And I don't mean to direct this at you, but I mean, that's the specifics.

UNKNOWN SPEAKER:

Then I would make that the recommendation.

JONATHAN ZUCK: All right.

CARLOS RAUL GUTIERREZ: I think before discussing how to re-draft the recommendation, we agree that we have problems with the way that we have drafted recommendations, we have problems with the way we have focused recommendation, who is responsible. We have problems with the timing of the recommendations, so that applies to all recommendations because we the feedback in the comments.

Secondly, before we go and fix the recommendation for all of these general issues, but then for the particular issues of pricing, I think it would be very useful to think in terms of the rationale and what I hear from Eleeza, and from many comments, sounds interesting, but we have many arguments against that.

So, we should develop the cost or privacy and whatever. So, I think we should spend a short period of time just thinking of the rationale. We have a lot of elements of the rationale. I mean, no new review without data. This is not fact based if we don't have prices, timing, and then we have this paper by Stan about privacy.

I mean, we can guarantee privacy. So, we should take the whole pricing issue and make a small exercise of the rationale of the pricing before we go into specific drafting. Thank you.

And I took note of what [inaudible] and Stan have written, re-read it based on your recommendation last night and so on. So, I think it would be very useful at some point, after everybody has said their part and written the part, and read the comments, and everything, short exercise on the rationale of the fact based pricing.

JONATHAN ZUCK:

This is Jonathan. Those are all general issues that get raised across the board. I think one of the biggest challenges we're going to have is trying to cost benefit is the constant refrain, for example, of the registry stakeholder group report. And the problem is, I think it will be difficult to quantify both of those.

CARLOS RAUL GUITERREZ:

I have no problem in dealing with that, we should discuss that. The benefits are huge. Thank you.

JONATHAN ZUCK:

We just need to quantify them.

CARLOS RAUL GUITERREZ: It's easy to [CROSSTALK]...

JONATHAN ZUCK: Okay, good. I look forward to your draft response to the registry stakeholder group. Any other questions or comments? So, I mean, I guess I sort of own this issue, this recommendation one, and I will try to find a way to discuss it with the team tomorrow in a way that's productive.

Other questions or comments about that before we move on? Recommendations two through eight.

And do we know, Stan is not planning to participate verbally. Is Jordyn going to be able to lead that discussion on competition? And he can't participate verbally.

[SPEAKER OFF MICROPHONE]

I have another suggestion. Jordyn, we'll wait for you to type.

[SPEAKER OFF MICROPHONE]

UNKNOWN SPEAKER: So, Jordyn suggests, rather than going through the recommendations this way, we should go through the high level topics that Laureen suggested via email, and just work with the individual recommendations in the sub-teams.

JONATHAN ZUCK: I'm not opposed to that at all.

LAUREEN KAPIN: While we're getting this on screen, these were not meant to be exhaustive, although they may be exhausting. So, if people have other high level general themes to add, please feel free. This was not meant to restrict our discussion, it was just based on my reading of the comments and some common themes, big issues that I saw.

JONATHAN ZUCK: So, it was a good list. Thank you, Laureen, for taking the time to do it. And we don't need to treat it as exhaustive or exhausting. But refreshing.

[SPEAKER OFF MICROPHONE]

Exactly. It's the 7-Up of emails. So, obviously, one of the... The sort of point for point issue raised by the registry stakeholder group...

[SPEAKER OFF MICROPHONE]

Is about cost benefit analysis. So, what I'm going to do is give Carlos the floor to begin the conversation about cost benefit analysis. And then Jordyn had an idea about that as well, that

perhaps he'd be able to share in the, he can start typing now into the comments, so that when Carlton is done, we can read out Jordyn's comment.

Waudu, go ahead.

WAUDO SIGANGA:

Okay, Waudu. I think one of the high level points that came out from the public comments that Laureen also mentioned, was this idea of putting together, combining some of the recommendations. So, I'm just wondering, the chair is there, maybe he can answer. What are we going to...?

Are we going to think about combining as we go along? Or is there going to be a point that we think about it? I ask that because I can see like there is some relationship between the first recommendation and the second recommendation.

LAUREEN KAPIN:

And Waudu, I'll just also point out that ICANN's, the ICANN organization's comment actually had some very precise and very helpful suggestions about that. And while I'm on the topic, kudos to the drafters of that feedback from ICANN, which I suspect was more than one person, but it was very clear, easy to understand, and well organized and well written.

So, I really appreciated the effort that went into that.

JONATHAN ZUCK:

[Inaudible] combinations as we go along, is that your question? I don't see why not. I mean, there is sort of a distinction between the plenary group and the sub-teams and what their responsibilities might be. And does it make sense on a recommendation by recommendation level to make that conversation smaller?

And then present results to the broader team, and I think that's what Jordyn's recommending in the chat and that's come up before. The question is, how to make the most productive use of this weekend that we have, and what sort of what we can tackle at a high level, almost from a framework standpoint?

I know Jordyn had a recommendation for trying to grade the recommendations based on their cost and benefit somehow, and coming up with sort of gross categories for that, and we may try to do that. And we see opportunities to see how they might be combined, I think we can do that but it could also be that it's a better exercise for the sub-teams to do that.

WAUDO SIGANGA:

Waudu again. Some of the recommendations are actually cross-cutting the two groups.

[SPEAKER OFF MICROPHONE]

JONATHAN ZUCK: Yeah. So, high level first, and then we can start going through and... I always believe that we should leave the more granular to make it easier for people to comment on them in this interim report, but I think there is plenty of opportunities to merge them in a more generalized recommendation now.

Carlos, go ahead.

CARLOS RAUL GUTIERREZ: I was not member of the competition part, but I would like to reference this rationale, overall rationale of cost benefit of the pricing data. I have some points that I'm ready to share with Jordyn whenever he shows up, and I'm sure we can draft something out of that.

And I think it's very important to put that beforehand. Why is pricing data important in this exercise? First of all, because we want all review teams to be fact based. So, this is obvious that without the data, we can hardly say that we are fact based. So, this is philosophical position that we want the review teams to be fact based.

So, timely data, reliable data is very important. Now, the particular case of competition is very clear that we have, we're moving from a world where gTLDs were scaled business, and now we have tons of TLDs. What does it mean that we're testing? If smaller business units can survive in this environment. I mean, if small scale TLDs can be as profitable as the big ones. Okay?

And this is a very, very important issue because the expansion pushes us to have smaller scale cases. And what happens with smaller cases, they are less profitable than the business model we had before, and what happens when we have a lot of small, less profitable units? There is a tendency towards consolidation.

I mean, that's 101 on economics. That's nothing new. Okay? And what happens when we have consolidation? We have to look forward. I mean, we cannot just sit down every three years and say, oh, the number of players has been reduced to half of it, and now they have more TLDs.

This is a basic assumption that we see is going to happen between now and the next review team. Another very important element in the consolidation issue that, parallel to the expansion, there was a very important decision to eliminate the vertical separation between registries and registrars. We have not analyzed this, it's a pity, but okay.

It was not [inaudible]. But we should not forget that. That impacts some of the specific recommendations later on. So, what's the [inaudible]? What happens if we don't have the benefits of the pricing? As Stan wrote in his note, we are limited to HHI indices, just the market share, which we have already got the feeling that was not enough.

He explained it very well. And without this pricing, we cannot measure the consumer benefit. I mean, the consumers are helpless. And that's the methodological problem that we have. We cannot measure how good it is to have a lot more of TLDs that are cheaper, if they are cheaper, okay?

And this is measurable stuff. This regression analysis that we have discussed, and what [inaudible] trade commission uses to analyze mergers and acquisitions. Okay, there was a merger. There were less players, but the prices are going down. So, let's leave with Wal-Mart, and let's leave with Amazon.

They have an incredible market share, they have theoretically an incredible market power with prices alone. That's kind of markets situation we have in the internet, and it's very important to prove it, because if it's not proven, then it's not good to have the consolidation.

So, the benefits are the risk of going the wrong path, okay? To avoid the risk of going the wrong path. We just heard this

morning that some prices are more important than others, special offers or premium pricing, we heard this morning the special offers or very low pricing, zero pricing, can promote to move the whole abuse area to specific TLDs.

So, it might not need all of the prices, but particularly price variations at least might be very important, as red flags of what's happening in the future. So, it's very important that we sell this idea or we present this ideas, forward looking ideas. Not that we meet every two years, and we look back.

Now, the first argument has been the cost of collecting the data. I assume that collecting the data regularly and internally is cheaper than higher external consultants. So, we have spent quite an amount of money over these one and a half years in external consultants. In studies that are not being followed up, or it will be very expensive to revive.

So, the cost, when we talk about cost, we should discuss internally versus externally. What are the advantages of not hiring people, but bringing in the best company in the world to make surveys and so on? The second issue that has been discussed is that data has to remain private. And it should not be tracked down to the individual agents. And it's also in Stan's paper that that's another problem.

We face it every time there is an application for a merger to see all of this data remains confidential. Okay, so I see a lot of benefits. From my point of view, and now personally what is a weakness we have in the construction of our recommendations, is this separation of wholesale and retail.

This is very important theoretical separation, but we eliminated the... We allow for vertical integration now. So, it's going to be hopeless to go to vertically integrated registry registrars and ask them for that. So, we have to fix that, because it's nice to ask for this perfect separation of wholesaler and retail, but in our case, because of the vertical integration, it's self-defeating as a weak point in the way we're presenting the separation between wholesale and retail pricing.

So, those hard elements that I think we should put together as a rationale before we go into the whole chapter of pricing. Thank you.

JONATHAN ZUCK:

So, Jordyn has made a suggestion in the chat that Brenda is going to try to turn into something we can put up on the screen.

Are there other comments about cost benefit analysis?

WAUDO SIGANGA: Waudo for the record. You're asking about cost benefit generally or in relation to recommendation number two?

JONATHAN ZUCK: It's a topic that comes up with every one of the recommendations, so we're looking at what a framework might look like for providing a cost benefit analysis to the public as a result of the request for cost benefit, particularly from the registry stakeholder group. We are going to have a meeting with them now, scheduled for Tuesday I believe, which is more expansive meeting.

Megan, go ahead.

MEGAN: It's Megan for the record. I appreciate their concern, on the other hand, some aspects are very difficult to cost, because it depends on how far one goes. As an example, which will excite you all, imagine ICANN decided to hire a super deluxe MIT trained, super PhD data scientist with 20 years experience. That would cost probably a lot more than coordinating better, managing better, according to what we're saying.

So, what we estimate to be a cost, and the benefit, I think in some cases is a bit artificial. So, if we're not quantifying the cost, and saying the benefit by definition should outweigh the cost,

but in many cases it's going to be very difficult to determine what the real cost is.

I appreciate their concern, but on the other hand, I think in some cases, it's rather an artificial argument.

JONATHN ZUCK:

Jordyn's framework is designed to look at it in a less of a dollar standpoint, but in terms of operational overhead. So, I mean, that may be, as we parse this and put it into a bigger font and things like that, the idea being that, you know, high, medium, and low. And high cost means that it's not something that ICANN could do without third parties or revisions to contracts, for example, which is like collecting pricing data, retail pricing data that isn't currently supplied, right?

So, and so I mean, I think that's what he came up with was something that was more like categories of cost, as opposed to actually dollar estimates, that I concur we would have no basis for trying to put together.

Yeah. I don't know if people are going to be able to read it just as a cut and paste, I just mean like, you know, like high, what his thing was for high, and make that bigger, medium, and low. So, just those three in the middle there, if we could make those

bigger and to discuss them. I guess people can read them on their screens if they have it.

Jordyn suggested for cost, each recommendation, identify whether the cost was high, medium, low, using the following definitions. Low, requires little new effort from either ICANN or contracted parties, or could be completed at a moderate cost by a third party.

Medium, requires substantial effort from either ICANN or a contracted party, but not both, or can be completed at a substantial cost by a third party. High, requires substantial from both ICANN or contracted parties, or may be infeasible to complete without substantial changes in operational practices by either ICANN or a third party.

Generally not possible to be completed by a third party, or prohibitably expensive to do so. So, those were the categories that Jordyn came up with, for example, of costs as a possible framework. Megan, go ahead.

MEGAN:

Yeah, thanks. Well, I mean, those are certainly possible ways of looking at cost, and I agree that we shouldn't be looking at specific dollar amounts. But, in theory, and I think in practice too, none of our recommendations are high, because by

definition, we've recommended things that are feasible, manageable, and have a benefit.

We haven't, to my recollection, and perhaps I have to go through it again with a fine tooth comb and look again at the recommendations, but I don't recall recommendations that would be prohibitively expensive to implement. Otherwise, they're not going to be done, just by their very nature.

So, although I appreciate Jordyn's attempt, I think it's a good possible way of looking at it, by definition we're not going to have any highs, according to this definition.

JONATHAN ZUCK:

I suspect that Jordyn would disagree with you in that registries would disagree with you potentially as well, because of, for example, needing to normalize data between different registries, because they've got different types of promotions, etc. And what type of data do you need? All sort differently, and then it has to go through some sort of sanitation process with a third party or something like that, so that it's becomes anonymous and not tied back to a particular registry.

And then that data is made available. So, it could end up being a fairly substantial expense from both sort of bandwidth constraint on the part of... This is why they're raising it, right? Is

that it doesn't pose a cost on them to collect this data and present it in a way that's normalized for the use of the organization.

So, I mean, I don't know the best way to... So, Jordyn says, some of those suggestions require contractual changes, and we didn't make much of an effort to figure out what the implementation costs might look like, and now we have feedback from both ICANN and registries about potential costs.

So, in other words, I think Jordyn is disagreeing that there is nothing in the high category.

MEGAN:

...back on this. It's Megan again. I think we are starting to tread on dangerous grounds, if we start identifying our costs as prohibitively expensive. That's my point. So, if we say, this is a recommendation, we think it's important. We already looked at whether it was low, medium, high in terms of immediacy, in terms of importance, etc.

So, we can't now... And I'm not saying there are no costs to anything, that's a completely different issue. But if we say, also, but this is prohibitively expensive, and therefore no one is ever going to do it, this makes a mockery of the recommendations. So, I'm not saying that these are cost free, not at all. There may

be some costs, but quite frankly, also to coordinate data in a coordinated, managed, organized way, shouldn't be so extraordinarily cost intensive either for the registries or the registrars either.

That's a question of putting it in a different format, or adjusting it. I mean, maybe there are some cases where, in some special locations, it will be more expensive, but quite frankly, I don't think it's up to us to determine what those costs are. That's something that comes further down the road, if afterwards, that's determined that is prohibitively expensive to do it in X way, then you do it in Y way.

Or someone says, thank you very much for your recommendation, but we can't implement it because, you know, the expense is X. I think we're going to start getting into a very dangerous territory by doing this.

JONATHAN ZUCK: I guess I'll go around the room and come back to Jordyn. Laureen, go ahead.

LAUREEN KAPIN: I'm backing up Megan here. In negotiation terms, this is what's known as bidding against yourself. And I heartedly emphasize that it is up to us, as a review team, to decide what are priority

areas and what recommendations we think are most important. It is an implementation issue left to experts within those specific areas to assess with granularity, okay, we have been told this is a recommendation, and we have been told these are what the proposed benefits would be.

As an aside, I certainly think it is within our purview, and we should be specifying what the benefits are. And to the extent we haven't done so already, we should do so. Although, as an aside, I also think we have indicated what benefits are in many of our recommendations, but if we need to do better, we should do better.

But not costs. We are not the experts in that area, and that is not our role. So, I have to agree with Megan here, I think that trying to assess the costs will run the risk of that being used against us, and we're not the experts in the cost. That's not our role. That's not our job.

So, you know, that's my view there. And the other observation I would make, even ICANN's input, when they are assessing costs, and they are more expert than us, if you look at how they wrote this, they're not assessing costs by saying it will cost us this amount because we've asked different vendors what it would cost.

They themselves are making a best guess at this point in time by saying, this is what we think it's going to cost in terms of full time employees. So, that's a guess also. I mean, it's a guess grounded in experience, but it's... They themselves are not giving us a precise estimate of costs.

You know, when you get an estimate of costs, you may send out requests for proposals. You get bids, and you get the 20 year expert cost to hire someone with 20 years of experience versus the six months out of school and really eager to make an impact person.

And you just decide, all of which is to say, in a perhaps too lengthy way, we shouldn't be delving into costs. That's an implementation issue best left to experts.

WAUDO SIGNANGA:

Thank you. Waudo for the record. I think I also tend to agree with Megan, as well as Laureen. I think it will be self-defeating for our recommendations if we made the recommendation and then we target as being of high cost or being prohibitive, or being infeasible. You know? I think it would be best if we kind of just kept off the cost issue, or we didn't really run into this classification of how, and medium, and this kind of thing, to bring some confusion to our recommendations.

I would also support just sticking with our recommendations the way they are, and leaving the cost issue to experts.

CARLTON SAMUELS:

Carlton for the record. I want to endorse Megan's and Lauren's views on this. It is a rat hole to want to look at costs, because we don't have the skills. As a matter of fact, if we have to do cost benefit analysis, I personally will have to send them a bill.

The problem that we have, is I agree, we are asked to make some recommendations based on what we now know what we're basing these recommendations on some facts. We are looking for benefits. And I believe it is our duty to define as clearly as possible, what the benefits we perceive from the recommendations, but with respect to costs, leave it alone.

DREW BAGLEY:

Yeah, I suggest we be as... Oh, this is Drew Bagley for the record. I suggest that we should be as specific as possible about the methodology for each one of these recommendations, which would then help those responsible for costs to be able to measure costs. And I think that duty is imperative on us to get more fine-tuned with these recommendations, and I think that would probably help those who go after us in whatever way

each recommendation is passed onto, to carry that out and to assess what the costs would be.

And I would also just point that in general, with some of these recommendations, such as repeating certain studies, just because the study cost whatever amount this time is not indicative of how much it would cost next time, because in many cases, we were doing something for the first time without any historical data to use, and therefore had to do a much longer, more comprehensive study than would be required in the future.

In other cases, such as discussions we were having this morning, we realized oh, there are other factors that actually should be studied and added to a certain study, even if we no longer have to do what I was mentioning a moment ago as far as the historical analysis.

And so, for many of these, even if we were to attempt to do a cost benefit analysis, I don't know that we would be able to be very successful, because of those dynamics. And so, I just suggest with each one of these, we scrutinize how we can make the methodology more precise and specific.

JONATHAN ZUCK:

So, I'm playing the role of Jordyn's proxy, and I'm sure poorly, in his absence. And I guess, it's a little bit of a strawman to say that

we can't identify the specific costs, and that ICANN hasn't identified the specific costs, because the proposal on the table isn't to do that. I think it's about prioritization more than it is anything else.

And so the question is to the degree in which you want to advocate that discussion to those who have their own agendas for what they want to do and don't want to do, and can use costs as a reason to recommend to the Board that it not happen, for example. Right?

I mean, it's off schedule with the update or something like that. I mean, there is a lot of... Costs are not in of themselves the issue, they are a question of prioritization. It's a question of, what won't get done if this gets done? And the degree to which we want to own that prioritization within our own recommendations, it's a function, the onerous is on us to some extent to say, we see this as a high cost thing, but we also see it as the most important thing we're recommending, and we're acknowledging it, as opposed with being a way to dismiss the recommendation because we haven't sufficiently prioritized things relative to costs.

So, without thinking about costs at all, we are sort of advocating the responsibility for cost based prioritization of the recommendations, I think.

LAUREEN KAPIN:

I mean, and I read Jordyn's comments in the chat, and you know, I'm mindful of, okay, by giving it up, does that mean we let everyone else take control over it? But when I hear you talk... So, that's the question, and I hear you talk about prioritization, we have prioritized in terms of timeframe, what we think needs to be done when.

So, am I taking your comment to mean that we also should be doing an absolute prioritization of, you know, most important, medium important, a second tier, or not second tier, but a second analytical exercise of saying, and you saw our prioritization about timelines, here is our absolute prioritization in terms of importance.

It seems to me we also could do that, and that might level some of this critique, but I am still back to the issue of, we're not best positioned to analyze costs. And yes, I know we can be gained on this. Everyone can come up with great, you know, charts, about you're going to have this scenario where it's going to be extraordinarily expensive, but I also...

We are not going to be best positioned to rebut that. At some point, an honest broker, which I assume is the ICANN implementation folks, are going to be making an assessment with integrity about how much things cost. And I would hope if

this process is to have any meaning, that if they are lobbied by different groups saying, it's going to be terribly, terribly expensive and here is why, that someone assessing it is going to be looking at it and saying, well, that's not a persuasive assessment, and here is why.

I think we have to trust that the process is going to work here. If we think it's just going to beholden to who can scream the loudest, and who can make the best lobbying effort, well, you know, doesn't that make this whole effort rather [inaudible]? And I hope that that's not true.

JONATHAN ZUCK:

Well, I think it probably is [inaudible] effort to begin with, and so the question is how to maximize... So, as a hypothetical, if the, if we did an absolute prioritization, and priority one costs the same amount as the next nine recommendations, would we want to have input into whether or not we'd rather have the nine or the one?

Something like that. I guess that's kind of the question, because at some point, cost is going to become a question as they go through these 50 recommendations. It's going to be used as a filter. I mean, that much is clear, because even when we asked to use Slack, you know, bandwidth of the IT team was a filter.

So, it's going to happen. So, the question is to the degree of which we want to play a role in how it happens. And so, honest broker, it's not about accusing anybody of dishonesty, but everybody still has priorities in their hand, right?

I mean, there is pushback against having a big open data initiative, because it's kind of abstract, so the budget for that is much smaller than some other pet projects, for somebody on the Board, that we might question is being an enormous expense. Right? So, I mean, that stuff happens, and the question is to the degree in which we want to play a role on. Megan, go ahead.

MEGAN:

Jonathan, I see where you're coming from. On the other hand, for me, and I think Laureen said this as well, very clearly. This is an implementation issue, and if we need to, and I'm all for this, refining more clearly exactly what we need in the recommendations, identifying more clearly what the benefits are, why it's important, why we have to add not just a time prioritization and order of importance...

I'm all for that. But the other aspect, and again, these are questions of implementation. Someone has to look at our final report, and then assess how it was implemented by third parties, by ICANN itself, by the community, by etc.

And in that implementation assessment, someone may say, this was a high priority, but in delving into it in more detail, we discovered something what we couldn't possibly do, now, [inaudible], we discovered that the real cost is going to be so high it would outweigh the benefit.

It's theoretically possible. How can we possibly do that ourselves? And also, I think we are, to use an English expression, cutting off our nose to spite our face, if we start identifying certain costs for which we have no expertise either, as being extraordinarily high and making the whole thing unimplementable.

So, I'm all for more clarity in benefits, clarifying and being a bit more micro, a bit more granular in the recommendations. No problem. But I think we should try to avoid real estimates of costs, unless we say, we estimate that the cost is sufficiently low that the benefits will offset it, something like that.

But I think that we're getting onto rather shaky ground. Melting Antarctic ice.

JONATHAN ZUCK:

Sure. And again, no one is suggesting that we're trying to cost out these things. It's things like, this is going to require a change

to a contract. And so change to a contract is going to be down the road, it's going to require a negotiation, etc. So, that's what?

[SPEAKER OFF MICROPHONE]

Could be. Because that's been the history of changing contracts. Go ahead.

LAUREEN KAPIN:

I just had one comment, and it is brief for a change. The other point I want to make is that we've also talked, and I believe structurally, this is happening within ICANN. There will be a core of us involved in the implementation process, where we can advocate for things which we have prioritized as extraordinarily important.

So again, there will be a time, Jonathan, for us to grapple more specifically with these issues, but I don't think we're equipped to cost it out. But I'm not sure that's what you're saying either.

CARLTON SAMUELS:

Carlton for the record. So, I was thinking about this last night. I went through the comments, and I notice that people are talking about costs, and they link to outside remit. It's not outside remit. So, I sent a note, email, to the SSAC people and said look, and it's about reviewing all of our comments in another

framework, security, stability, and resiliency, because that's what everybody says is the ICANN remit.

And I said to them, can you tell me, help me define, in a way that I can take all of these recommendations and find a way to link them to the remit? Security, stability, and resiliency. And Julie and them said they'll come back to me with a way to do that, but that was my approach to looking at the ones I was looking at, to make sure...

For those that we have in the safeguards area, the general attack line is, well, they're not clear enough. It needs clarity, and it probably costs too much, and it's a crap shoot you're after here, and you are going outside the remit. So, that's one way to look at it. See if we can link it to what they consider the, you know, the mother's milk for ICANN, and let's do it that way.

JONATHAN ZUCK:

Thanks, Carlton. That's a good suggestion. And I guess, reading Jordyn's comment, he's leaping off of Megan's comment that we look at them and see if the juice is worth the squeeze for individual recommendations. And so, I know that, for example, on the competition side, Jordyn has previously mentioned, hey, this particular data would be interesting academically for us, but wouldn't have an impact on how we would prescribe policy, or

evaluation of whether or not there should be for the new gTLDs, etc.

And is there a way to better look at the two together to make the assessment that Megan put out there, which is, are the recommendations in here that are more academic in nature, for example? Because a lot of them are requests for data. And should we go through them with that eye that says, hey, this one may not be worth pursuing, because the upside benefit from a policy development standpoint isn't commiserate with what the effort might be.

Let's call it effort instead of cost. To implement it, so that we are refocusing the Board and the community on the ones that we consider to be most important. So, I mean, that may be a hybrid of what Laureen was suggesting associated with absolute prioritization, what Megan was saying, instead of just sort of looking at this and saying, nice to have high effort to reduce.

Maybe we just drop it to remove it as a target for criticism, because it's not central to the work that we're trying to perform, or that others would be trying to perform, decisions that we're trying to make based on our work. Something like that might be an exercise worth doing, that's all.

So, I'm done channeling Jordyn for the morning. Lunch is available for us outside, so let's take a break and pick this up when we get back. And then what is the actual...?

[SPEAKER OFF MICROPHONE]

So, let's try to do lunch in a half an hour. Half hour for lunch. And that means that 20 minutes from now, you should be going to the bathroom. Not to be so prescriptive, that doesn't mean 30 minutes from now is the time to go to the bathroom. I'm just saying. Or to make a phone call.

[SPEAKER OFF MICROPHONE]

So, moving on, consolidation of related recommendations and getting rid of duplicative ones, how does everyone feel about that happening as a separate sort of sub-group exercise, rather than us sort of going through them one by one? You're good with that.

Drew, you're good with that. I know that Jordyn is good with it. And then, I guess the next topic is, do we strain to content regulation. Does anybody want to start a conversation on that? Because I think that might be Carlton or Laureen who want to discuss that. Turn on your microphone and introduce yourself.

CARLTON SAMUELS: Carlton Samuels for the record. It started, if you look in the 20, 21, 22, 23 recommendations, and the genesis of it is that there is a group that believes that we have changed the definition of abuse. And we keep on going between two different definitions of abuse, and because of that, we have opened up ourselves to recommending content regulation.

And my feeling, I've looked at it... I spent last night looking at it several times. I think it's overblown, quite frankly, but to the extent that we can clarify what we mean by abuse, and that is good for us.

So, I then decided that I go back to a definition of abuse in context of stability and security and resiliency. And that's something formulated, but I've said it around to the SSAC people to give me a better feeling about what it is supposed to be. So, I think for me, what is required to push back the argument, at least address it, is for us to have a definite, a definition for abuse that we state up front, and that we state, this is the abuse we mean when we use the word abuse.

[SPEAKER OFF MICROPHONE]

Well, it goes back to the definitions of abuse. And some of the cases, if you look in the contract, and we've already spoken about that, where the specific abuse groupings that are defined in contracts, malware, and phishing, and so on, and when we're

talking about spamming and they say we use the term in a way that groups that just did not like content that was provided by oppressed groups or whatever, could be seen as spam content.

They tried to use the law to regulate those by saying it's spam. And so, that's where they're coming from. And I think we could, for one, it would probably make sense for us to recommend that another class of malware is specifically included in the contract terms. And we make sure that we define abuse tightly, up front, and tell them this is what we think.

LAUREEN KAPIN:

Where I saw this come up the most in terms of content regulation, was particularly regarding recommendation 14, which didn't deal with the DNS abuse, although I'm sure it comes up there also. But with recommendation 14, if you recall, that's where we spoke of incentivizing, if that's a word, registries to meet user expectations regarding the relationship of the content of a gTLD to its name.

That was the particular one. And there, perhaps, we need to... I know that has come up with a lot of our Q&A sessions also, and there I'm thinking that we need to perhaps express what we mean a little more clearly, so that we can meet that concern that we're not starting into content regulation.

JONATHAN ZUCK: I guess one of the questions is the degree to which incentivizing a particular type of behavior is the same thing as content regulation, right? I mean, we were looking at incentivizing folks to have more restrictive TLD registration requirements. Is that the same thing as content regulation? I don't know the answer, but I mean that's... What do people think?

CARLTON SAMUELS: Well, this is Carlton for the record. I certainly don't think, I saw 14, but I didn't think that it had a leg to stand on with that, because we weren't talking about content per se, regulation. We're saying that if you have TLDs that have stricter application processes for URLs, with domain names, then and they're true to form with that their original intent is, for the TLD, then you might have a greater trust, that was the point that we were trying to make.

I looked at it, but I just could not see how that strayed into content regulation, quite frankly. I looked at 20, 21, 22, and 23, those comments, and I see what they were talking about in terms of abuse. And of course, the fact that specific classes of abuse was mentioned in the contract, in the registry contract, but not others.

I can take that. 14, I think, is a stretch.

LAUREEN KAPIN:

You know, getting back to your abuse point. You always hear this in First Amendment court cases too, when you'll be, as a law enforcement agency, prosecuting certain behavior, or content, that is on the internet, that basically is lying about products. It's a First Amendment right, and no, you don't have a First Amendment to rip off the public.

You don't have a First Amendment right to lie. And I'm sure that's not the argument that they're making, but clearly we're within our purview without getting into anything impermissible by saying that certain behavior that constitutes DNS abuse needs to be prohibited, or needs to be dealt with in contracts.

So, I agree with you. It's an argument that we can easily overcome.

WAUDO SIGNANGA:

I think the only problem I see is the first part of recommendation 14, as Laureen said. The relationship of content to TLD to its name. As regards to the second part instructions, as who can register, somehow it's also, touch a little bit on content regulation to the extent that you can't really enforce it without having some form of content, you know, or check.

But I think the most problematic part is what Lauren has said, that first part, the relationship of content by TLD to its name. I think we have to find a way to reword that.

CARLOS RAUL GUTIERREZ: This is Carlos. This morning we heard that if we go to the other extreme, to the highly regulated sectors, that when you have a highly regulated TLD for pharmacies, you can have only pharmacies. So, do we balance this generic, generic is generic, with the fact that some others are really specific. We heard these very nice examples, so how do we approach? Or maybe we use the example?

I mean, it's a little bit lost in the air.

JONATHAN ZUCK: A big part of the complication is that you have this distinction between... This is Jonathan for the record. Highly regulated industries in which there are safety concerns and sort of higher states, if you will. Whereas with the Nielson survey, suggested is that people had an expectation that this huge expansion of gTLDs was going to lead to a more semantic web.

In other words, dot photography was going to be sites that had to do with pictures, for example, where the stakes are not high on a particular case by case basis in the way they are with the

pharmacy, but that in the aggregate, there is a user expectation that was identified that you're now dividing the web up semantically by words, and that having that be reflected in reality would engender more trust than not, right?

So, I think we've got to make sure we maintain the distinction between these highly regulated industries with very high stakes on an individual basis like bank and pharmacy, versus sort of the web as a whole in the aggregate, and new gTLDs being a less generic and more specific as a way for people to find information.

That's the impression that I formed from the survey, again, open to others.

CARLTON SAMUELS:

This is Carlton for the record. And that's what I think this is saying. Because if you look at two, it articulates the restrictions by mentioning the sensitive and... It says here, restrictions as to who can register a domain name and certain TLDs based upon implied messages of trust, conveyed by the name of its gTLDs, particularly in sensitive or regulated industries.

And that is the part that is important. It says it. So, I'm not... This one does not rise... It does not pass the smell test.

It's saying, the way it's meant to reflect is that you have a situation in the case of the regulated industries, when there is a higher level of trust associated because of the association of the business or the type of content you expect to the name, and they're some others, just like you said, photography and so on, it might be useful to incentivize registries to take somewhat of the same approach.

That's all we're saying, because we... The good thing out of this regulated is increased trust. We're saying that if you increased the level of trust overall, then it might be useful to incentivize registries like photographs and so on, to do some of what the regulated people do. That's what this is saying. I don't think anything is wrong with that.

LAUREEN KAPIN:

This is Laureen again. So, just to summarize. I think we can do a better job of articulating basis, and maybe reflect a little more of the rationale and nuance that Jonathan has articulated. And the other point that I want to echo that Jonathan made, is that this is about creating incentives.

If we were regulating content, we would say, thou shall not, and thou shall, and we are not doing that. We're saying, explore incentives to encourage behavior that will increase trust in the DNS overall. So, I think, that's an important distinction.

So, I think we can do a better job articulating the rationale, but I think what we've recommended is the right thing in terms of, we have the data and a factual basis for this recommendation.

DAVID TAYLOR:

Put my name down, just in case. David Taylor for the record. [Inaudible] this discussion, I think it is important and it is one way, assumed you say content and the word content, certain aspects of the community will jump up and down and think we are regulating content, which is what we can't do. And I fully agree with that.

For me, it's not content which we're talking about by itself, content regulation, it's content expectation. And maybe that's the way we can define it, because content regulation is for the laws of the world and the jurisdictions, content expectation is what users of the internet will think of when they go to dot film. They don't think they're going to find paint, you know.

When you go to dot wine, my argument... If you go to dot wine, honestly do you think you're going to find paint there? Or, do you think you're going to find something to do with wine? So, if a registry has a business model based on we've got a cool word, and it will make us money, there is an expectation which goes along with that.

And so difference if you've got a brand, obviously brands are going to regulate the content within a dot brand, dot bank, and the regulated ones, those will regulate the content, and we're not saying adopt. Film has to regulate the content, but it's that expectation is, I think, what we all agree we should have because they have the benefit of that dictionary term, which will make more money.

Otherwise, it's dot X, Y, Z. X, Y, Z, no content expectation.

Which translates into many languages.

It's just everywhere we possibly can to speak, Jonathan.

GAONGALELWE MOSWEU: Mosweu for the record. I think David pretty much summed it up because, I was, I want to say that when we talk about the expectation of what you find on dot bank or dot film, we're not talking about the actual content of that particular side. We're talking about what you expect to find there.

So, I would agree that we maybe change the wording to expectation or reflect the perception or expectation of the user.

WAUDO SIGANGA: I think I would still have problems for the domains that are not really restricted. Let me just give you an example. David talked

of dot film. I might not be into film, but I know that... I mean, [inaudible] dot film domains, so I may want to advertise my painting, take a domain there.

[SPEAKER OFF MICROPHONE]

Why not? Yeah. For the...

I don't see why one would be restricted to having film content on dot film.

JONATHAN ZUCK:

Waudu, again, restriction is the issue. No one is going to try to create restriction necessarily. We're talking about recommending the creation of incentives for registries to create some kind of guidelines, or something like that, for registrations, not because we think that it's better, but because the consumer survey revealed that there is an association between consumer trust and a correlation, if you will, between the word in the top level domain and what the kind of websites that you find there.

[CROSSTALK]

...so the question is, if it's an objective to increase consumer trust, that's one way we could do it is by giving people the web they're expecting. That's the issue there.

WAUDO SIGANGA: Waudo again. I agree with that, but what I'm saying is that in real life, when you hear of some of those sites, I'll give you another example. I visit like CNN site. I want to read news. And when I log into that site, the first thing that comes up is an advert for a car.

JONATHAN ZUCK: So, advertising is a totally separate question. Let's look at this a different way. Dot doctor.

WAUDO SIGANGA: That's restricted.

JONATHAN ZUCK: When you... It's not. So, when you go to dot doctor, what do you expect to find there?

Is this what you're supposed to find there? That's the question. Because it could be a tree doctor, it could be a spin doctor. Right, rug doctor. So, but the general public is probably expecting to be able to find medical help, medical information, right?

So, the question is...

WAUDO SIGANGA: Why is that one not restricted? Sorry.

[SPEAKER OFF MICROPHONE]

Then that's a problem for ICANN. It should be restricted.

LAUREEN KAPIN: That's a separate topic, Waudo. But let me respond to [CROSSTALK]...

Well, no, let's not go down that path.

JONATHAN ZUCK: No, but I mean, that's a normative thing. I guess I'm just trying to say that the public, through our survey, has expressed a preference for the top level domain being a good indicator of what they're going to find when they go to that site. They've expressed that preference, that's all.

LAUREEN KAPIN: ...respond. In your scenario, Waudo, let's take your... I want to sell paint in dot film. I mean, one way which registries might choose, and I use the word choose, because incentives are, this isn't a restriction. It's, you know, registries would explore this, but they might choose to charge a higher price for you advertising paint on dot film.

You might have to pay \$5 more to buy that, let me finish. But, if you went to dot paint to sell your paint, you might get a discount. And it seems to me those incentives, and that's just a price incentive, there certainly could be many types of other incentives, that's perfectly appropriate.

It's a creative business model. And if that's something that could be used to promote trust in the DNS overall, that's a good thing. It is not saying, don't do this, do that. It's saying, if you do this, we may elect to treat you differently.

And that... I mean, you could agree or disagree, but I'm just saying that's the response, and the marketplace does that all of the time. You get a loyalty card from your supermarket because you want to get a discount. So, you decide you're going to give them all of that data about what you're buying, and you're going to give them your email address so they can send you advertisements, because in exchange for that, you get the Breyer's Ice Cream for 3.99 instead of 5.99.

The marketplace does this all of the time.

WAUDO SIGANGA:

Okay. Just to get it clear. How would it be known what I'm going to put on that site, on the domain? How would it be

known beforehand? For me to pay the higher price, unless there is content regulation, or content checking.

[SPEAKER OFF MICROPHONE]

CARLTON SAMUELS: The way advertising works is a little bit different from what the...

WAUDO SIGANGA: I'm not talking about advertising. I'm just saying, I get a domain, and I put my content there. And the content is different from the name of the domain. So, I'm being checked higher. How would it be known unless someone is actually checking and verifying my content?

CARLTON SAMUELS: The registry... The idea is, if you agree, let's go first. You agree that it is a good thing to incentivize behaviors that engender increased improved consumer trust. You agree with that? Right.

And what this recommendation is saying, that to the extent consumers believe that the gTLD, the top level domain, reflects in their mind a set of content that they would, expectation of certain content, then the registry owner would be good, it would be a good thing for the registry owner to incentivize and further that belief. That's all we're saying. Is that okay?

JONATHAN ZUCK: This is Jonathan for the record. I think the recommendation is that ICANN find a way to incentivize registries to create restrictions. I mean, that's what it boils down.

[SPEAKER OFF MICROPHONE]

Right. But the PDP would in fact be ICANN creating incentive to create restrictions, and so the point, it's a subtle point, but ICANN, the organization, would not be involved in content restrictions, but the registry might be, if they want to disincentivize, whatever that is, and we don't know what that is, because the best one is probably placement in search engines, which Jordyn balked at, right?

So, I mean, I'm not sure it's clear what that incentive would be necessarily. Megan, go ahead.

MEGAN: Yeah, it's Megan for the record. Just to add, I'm not sure we're excusably addressing our recommendation to ICANN. It's also addressed to the registries, registrars, etc. So, the recommendation is to improve and increase consumer trust, based on the outcome of the survey.

We have seen that this is the way consumers react. Anyone who is sensible and reasonable, in creating new TLDs or using them, will see that this is what consumers react to, and this is what consumers expect. Therefore, the recommendation is to do a little bit more. If ICANN can help, all of the better, but also the registries and/or registrars can encourage this behavior as well.

It's not limited, I think, to ICANN specifically. And there are areas where, well, since you used X, Y, Z as an example, there is the dot triple X as well, which is an example where they probably have restrictions as well. I suppose they're not selling Mexican beer, for example, on their websites, and probably there are limitations as well.

But that's an entirety... It's a best practice thing for me, not a regulatory issue. Isn't it?

JONATHAN ZUCK:

This is Jonathan. And just briefly, I think, Megan, that the presentation of the findings probably suggests best practices. Our recommendation suggests that we're taking it a step further and saying, let's incent this type of behavior. The findings themselves would suggest that the market is going to incent this behavior.

We're taking it a step further in our recommendation and saying the organization should incent this behavior. That's all.

MEGAN: We just put up the exact wording of the recommendations as well, so we're all speaking... I'm sorry. I don't have the exact wording on here.

ELEEZA AGOPIAN: So, I think they're going to try to put the recommendations on the screen. This is Eleeza. Just a couple of points. The recommendation itself is to the subsequent procedures group, it is not to ICANN organization. So, that's one point to consider in this discussion.

Another thing that occurs as we're discussing this is, not all domains are used for websites. What if a domain is used for another purpose like email? And when you register a domain, there isn't any test against what's on there. You don't know what the content is.

So, there is a few complicating factors in there, which I think are why some of these questions have been raised.

JONATHAN ZUCK:

And the fact that it's directed at the PDP, doesn't change the fact that if they made a recommendation, ultimately, it would be ICANN that would implement it though. So, I mean, that's the PDP isn't going to do anything to incent registries. They're going to make a recommendation to the Board to incent registries.

We're just telling them that they should think about this further, but the net result is that ICANN, the organization, is going to somehow incent, if it makes it thorough all of this gauntlet, is going to somehow create some incentive to people creating a more semantic web through registry restrictions.

But you're right, if it's just used for email, it's going to be tough. And how that gets enforced becomes its own issue, but that's the... That's why it's an incentive and not a rule or a contract change or something like that.

David.

DAVID TAYLOR:

Yeah, David Taylor for the record. I mean, I think it's somewhat... For me, anywhere, it's not where we haven't been before, and ICANN hasn't been before. If you look at the original TLDs, a dot com and a dot org, you do have different expectations as to what you see there. There is no regulation

whatsoever, and the boundaries fudge as time goes on, and you can find anything anywhere, which is fine.

But then you've since the 2004 launch where you had dot museum, and the dot arrow, the dot coop is sponsored TLDs. Now those, what are those? Are they content regulated by ICANN? So, there is a precedent. It has been done, those exist, and there was no real issue with them. The issue is that those registries don't make much money.

So, there is the bottom line. So, registries want to make money so they were opposed. But I think you have to treat consumers as consumers and not as punters to line your pockets, and that's the difference. So, what we're saying is we're listening to consumers, we're listening to this report, and there is an expectation there, and maybe one of the incentives, we should go further, and we should saying the recommendation is this, and here are examples of incentives.

And for instance, if you do a sponsored TLD, you pay 50,000 to apply for it instead of 185,000, because you're having to impose certain things which you have imposed, and that's going to obviously weigh down on the number of registrations you will have, so we don't think you should be paying so much.

Something like that. But maybe we should be coming up with some recommendations, which goes to the PDP working group, so that they follow it, or not [CROSSTALK]...

JONATHAN ZUCK: ...once we disband. That's another possibility. Anyone else have their hand or card up? Megan, yours is old. Old hand, as they say.

Okay. Have we talked this topic to death?

[SPEAKER OFF MICROPHONE]

So, I think the net is to make it more explicit with the rationale behind it, to make the distinction between incentives and regulation. And again, make sure we contextualize it and user expectations and the potential to increase trust in the environment in which there is now 1500 TLDs, gTLDs.

All right.

[SPEAKER OFF MICROPHONE]

LAUREEN KAPIN: Finally looping back to your issue of defining DNS abuse, that has been an oft challenging topic. At this point, I think, we need to tie DNS abuse the way we talk about it, in terms of recommendations to the contract provisions, because I think to

define it in a way that's different than that, would be problematic.

[SPEAKER OFF MICROPHONE]

I did want to just make that point.

CARLTON SAMUELS: Yes. I'm agreeing with Laureen there, saying that we should be explicit about the definition, and stick to it, yes?

LAUREEN KAPIN: Yeah. So, I think this is actually a very fair and well-taken point, that we need to first of all, and people can agree or disagree, a couple, or at least one and other echoed in different ways, made the point that we are recommending, and if we are recommending, we should not use the word must, because that's not a recommendation.

And I think that's a fair point. And then other groups pointed out that we are inconsistent in the way we use shall, should, etc. So, I think what I would recommend is that, all the pen holders go back and look at their recommendations within an eye towards making sure we're consistent in the way we use things.

And I, personally, would say, for our recommendations, you know, if it's a strong recommendation, to me should is the right

word, you know, definitionally. But I'm certainly wanting to gather views on that. That's just my first take on it.

JONATHAN ZUCK:

And we should reach some consensus on this for sure. I think the fly in that ointment is that they are only recommendations until they adopted by the Board, and then they're no longer recommendations. And so the language that we are proposing, and in fact, many Board resolutions, for what will then become proclamations, and so, I think we still need to deal with shall, and must, and should, because some of the recommendations are things like PDP working group should consider X, Y, and Z, and they may consider them and reject them, and left room for that to happen, but in instances in which we say, we must collect data, this granular data from compliance or something, it's not a should thing at that point, because once they agree to it, it's now something that's going to happen.

So, don't be too general about that.

[SPEAKER OFF MICROPHONE]

Yeah, that thing about making recommendations since they must, on the surface, feels a little [inaudible] to me, but I need to see a specific example, because it could be that it's one where, it's not for interpretation later. Yes, I see you.

MEGAN:

So, it's Megan for the record. Now I forgot what I was going to say. No, I know what I was going to say. We have also... I mean, relating to the should/must argument, and the translation into ICANN resolution, that's for me, a second level, and it's not up to us to translate it into ICANN resolutions, because they will take the recommendations, and the wording, and adjust and change according to what they think is appropriate, right, etc.

Where we do have a must, though, is in our priorities, low, medium, high. Some things say, must be introduced before another CCT review, must be introduced before another gTLD round, must be... Or maybe, depending on whether it's low, medium, or high.

So, there we have a must. And so I think that's sufficient in that sense. And the recommendation can say, this should be done...

JONATHAN ZUCK:

This is Jonathan. I feel like those prioritizations are more like recommendations, then the recommendations. In other words, the fact that we put must be, that we suggested that it be a prerequisite is some place that we can't make it a must. In other words, somebody will disagree and change the prioritization and say, we'll implement this in five years or something like that.

So, we're trying... I think we're trying to draw a distinction between recommendations that are binary in nature, let's put it that way. In other words, we recommend that X happen, right? That this data gets collected going forward. In other cases, we recommend that entity X consider such, and those are the ones that are awarded more gently, if you will, and in fact, there are questions back on the application evaluation recommendations from the PDP working group itself, saying hey, are we free to consider other aspects of this or something?

And I think, of course, the answer is yes, right? And so, that's the must versus should kind of distinction, but I think what we're trying to determine are the recommendations that become proclamations versus things to think about. And those are... And so, when the Board then translates these into...

If they just say, approved. If they just say approved on the whole thing, we resolved to adopt the recommendations of the CCT group. If they do that, then what does that mean? How will they be translated to whom they're directed? And that's where the musts and shalls need to be distinct. Go ahead.

NEGAR FARZINNIA:

Thank you. Negar Farzinnia for the record. Just to comment on what Megan said, the Board will not be changing the wording of the recommendations at all. In fact, the new bylaws only allows

the Board to either approve, accept or reject recommendations. So, whatever the wording the review team comes up with for the recommendations, that is how it will or will not be adopted.

CARLTON SAMUELS: Okay.

MEGAN: ...implemented, it may be something rather different, no?

JONATHAN ZUCK: So, I think, again, taking a step back from this. Drafters should look at their recommendations, and make sure they're worded appropriately, if they were approved, so that the language is sufficiently clear about the flexibility of the entity to which the recommendation is ultimately directed. Right?

They're all initially directed to the Board, but only some of them are ultimately directed to the Board, and some are ultimately directed to compliance. Some are ultimately directed to the PDP subsequent procedures. Some are ultimately directed to staff.

And so, we need to make sure that the wording we use, if the Board adopted this whole cloth, if that wording sufficiently contains our intentions for that ultimate entity to whom the

recommendation is directed. Does that make sense? Calvin then Carlton.

CALVIN BROWNE:

Calvin for the record. Calvin Browne. I think that this might have been recommended by techies, looking at these words. I'm thinking of specifically RFC 2119, where they're going to, how these words should be used. And I'm just going to take a couple of seconds to go through the first five points of that RFC. And it will give you some idea.

Point one, must this word or terms required will show, meaning that the definition is an absolute requirement of the specification. Must not [inaudible] or shall not mean that the definition is an absolute prohibition of the specification. Should this word or the adjective recommended means that there may exist vetted reasons in particular circumstances to ignore a particular item.

The full implication has been understood [inaudible] word before choosing a different course. Second last one, should not, this phrase or phrase not recommended means that there may exist valid reasons in particular circumstances when the particular behavior is acceptable, even useful, but the full implications should be understood in the case carefully word before implementing any behavior described with this label.

And the last one, may, this word or the adjective optional, means that an item is truly optional. It's from RFC 2119, so it's the internet specs and this is how, I recognize this from there. And so, it might help to look at that and just guide it, because I suspect that this is where these recommendations comes from...

UNKNOWN SPEAKER: I shared the link to that in the chat. The second link, don't look at the first link.

CARLTON SAMUELS: So, Carlton for the record. So, it's good... Negar told us about this Board thing, which is quite important. I would then endorse what Calvin said with one provision that it's a bench check, with all of the pen holders sitting together, so that we come up with the same thing, same understanding of what these words mean and how they should be applied.

So, not go off and do it on our own, but individual, but together, it's a bench check.

FABRO STEIBEL: Hi. Fabro for the record. Maybe there is a particular path in the report. We must take a look at the [inaudible], which is before

on page nine. Before we start a table, we define what is high priority, medium priority, low priority. Because over there, we use must in the three of them. And it might be one option to choose to use must, which means a requirement for all of the recommendations we do at some point, because we say one is medium priority must be implemented within 36 months, and so on.

So, should we use must in this define type priority?

JONATHAN ZUCK:

This is Jonathan. And again, I think we should use must in that context, because we are saying that if approved, right? They can be rejected, but if approved, to be useful, this recommendation has to happen before the subsequent procedures, for example. Right? I mean, that's where we're coming from.

At no point are we saying it must be approved, what we're saying, if you agree that this is a good recommendation, in order to be useful, it must be implemented on this timeframe. That's what we're trying to say. And I believe even that will be subsequent to, will be subjected to further review and implementation for sure, but that's our opinion about this is that its utility is predicated...

Its utility is predicated on that timeframe. That's what we mean by must. I really, I think we should standardize our language, but I really think that this objection is one of oversensitivity, in the way that it's coming across in examples.

So, I mean, let's try to... Let's adopt the RFC language. Is anybody opposed to that as definitions? And we can even refer to them. Here is what we're doing. Here is what we meant by them. And maybe there is a little bit of additional language, and I can look at drafting some of this that we put into the text in the prose before the recommendations begin to help clarify the fact that we don't think we're God, and that these things are going to be interpreted, but this is our interpretation.

Does that makes sense to everyone?

Okay. Other questions on this topic? People feel comfortable. So, given those RFC definitions, sub-teams and drafters are going to go back and just standardize the language, which is a good recommendation, for sure. We've got language standardization that's come up in a couple of different instances.

For example, the subsequent procedures group wanted to know if underserved communities in the global south were the same thing, and I think I was certainly guilty of trying not to say the

same thing over and over again, and came up with different words for the same thing.

So, that's fixable too. So, let's try to standardize language and drafters should take that on as a task. What's next on the hot topics?

So, this is... Number five here is very similar, identify precisely which group each recommendation is directed to, and what is expected from that group. And so, again, I think that that's an exercise for the drafters to go through and make sure that you clarify that.

But I would... To simplify that process, I would think of yourself as the Board. Because what complicates this is that our recommendations are actually aimed at the Board, but the Board, once approving them, those recommendations are implemented by different groups. Right?

And so, it's that ultimate, the ultimate implementer of that recommendation that we're talking about here and making sure that we're being clear about who we believe this recommendation is relevant to, and what's expected of that group.

Questions or comments about that? Again, I think it's another homework assignment for drafters.

WAUDO SIGANGA: Waudu here. That means that an extra column?

JONATHAN ZUCK: I believe it's already in there.

WAUDO SIGANGA: There is a column for two, which is like, in the case that you mentioned, to the Board. Then after that, the actual final implementer.

JONATHAN ZUCK: Right. The point is, they're all going to the Board, and it's not relevant to us to have a whole column that says Board, Board, Board. So, the only thing that matters is the column, two columns should be about the implementers is my point. That make sense to everyone?

WAUDO SIGANGA: Maybe we change the heading of that column to buy, rather than two. Something like that?

JONATHAN ZUCK: We could. Who do you believe is going to take this on? That's the question.

WAUDO SIGNANGA: We call it implementer column.

JONATHAN ZUCK: Sure. I think that's fine. Call it the implementer. Yes, sir.

CARLOS RAUL GUTIERREZ: Carlos. Just on that point, the registries were very [inaudible] about the, what we can say to whom. Like difference to the Council, to the GNSO Council, and things like that. So, they were very itchy about that.

Are we 100% sure we can say who has to do something? Or, should we just go around it and say, more of this, less of that, develop policy, change ways and means, period. And let the Board or the community decide who is behind qualified then to take the job.

Aren't we going a step too far? I mean, if we are 100% sure, fine. But then we might be able to express it, we don't have a policy here, okay? That's clear, so it goes to policy development. Or, here we have something good, more of that. Or here, we don't have enough resources in terms of staff and so on, assign them and just refrain from stepping into the organizational [inaudible].

JONATHAN ZUCK:

It's not clear to me how being less specific will be helpful to anyone. So, people taking umbrage because we're too specific feels, again, childish, right? I mean, if we're wrong, then have somebody else do it. Big deal. Right? We're just trying to say who it is we think is the, the best position to take this on.

[SPEAKER OFF MICROPHONE]

All right. Any other questions or comments? So, I guess I'll take a look at that language too, though. It would be great to get the substance. All right. We have, but some of these things are ridiculous objections I think, that's all. I'm saying that for the record. This is Jonathan Zuck.

Some of you that have submitted public comments, submitted ridiculous ones. Thank you. All right. Number six, instead of how we view the role of subsequent procedures, PDP, must they abide by our suggestions? Are they free to change, disregard, etc.?

And I think that's a fair criticism, and it's probably just a language check to go through and standardize on the musts, shalls, etc. And they actually asked very specific questions in most instances, where we can create that clarity. So, I mean,

again, there was one were we made a recommendation, which was to establish an objective for outreach to the global south.

And then if you decide that increasing the number of applications is a priority, here are some things that you might want to do to do that, they then say, could we consider things other, objectives other than increase the number of applications? And I felt that was assumed by the first question, but if it's not, then try to clarify that.

Again, I think it's about standardizing language, and let's do that. And like I said, I know the ones that are from my group. Consider carefully what we deem prerequisites to subsequent and whether the timing is realistic to accomplish what we recommend before any subsequent round.

So, this is a little bit of a chicken and egg problem, because you know, we have some requirements of data collection within compliance, and the notion that it's doable before a subsequent round, would suggest that there is some freight train of a subsequent round coming that we need to address. And I think... And that could be commenter's perspective, but it's not ours.

So, if we say it's a prerequisite, then we're saying it needs to wait until that system of data collection is in place. I mean, I think we can just hold our ground on that.

LAUREEN KAPIN: Just for clarity, this list is not, although I penned the list, these are not my observations. I am channeling the public comments with this list. They're not mine.

JONATHAN ZUCK: Of course that's the case. But again, I think that it is a fair request that we are careful about things that we put in the way of subsequent procedures. But I don't think that we should operate on some assumption that there is some finite amount of time before there were subsequent procedures, and if our recommendation does not fit that timeframe, we change the priority of it.

I think that that's a bridge too far for us. If we think it needs to happen before there are subsequent procedures, then I think it needs to happen before there is... Does everybody agree with that? I'm being strident myself, but I don't want to speak for everyone else, especially Carlos.

CARLOS RAUL GUTIERREZ: Thank you very much. This is Carlos. I mean, when you look at the ALAC position, they say, oh, that's proof there should be no subsequent procedures. So, I think it's a pitfall we should avoid. I mean, they want to put us there, we look forward to make

contribution to subsequent procedure, but this is really beyond the mandate. So, I would be very careful about the linkage with subsequent procedures, because if I...

Subsequent rounds, yes. Subsequent rounds, because when I lead the ALAC one, they say, oh you prove my case. No further rounds. And the other ones say, oh you prove my case. We need to do this for further rounds. And we will be in the middle. What?

[SPEAKER OFF MICROPHONE]

JONATHAN ZUCK:

I understand, Carlos. So, when that comes up, I'll let you be excused. But I think that... I think that the... No, but... And again, I'm disagreeing personally, so this is up to the group as a whole, and not me. But if we believe that there are intentions associated with subsequent procedures related to a consumer trust, safeguards, competition, etc. and we believe that there are things that need to be in place before there are more new gTLDs, then I think we should hold our ground on that.

I don't... I'm happy to be in the middle of that discussion.

CARLOS RAUL GUTIERREZ: The way you put it, if you hope that further rounds will improve competition and trust, and choice, and do this. It's just the way you put it. If you say, before you do, you have to do this...

JONATHAN ZUCK: I just spent a year and a half of my life operating on that assumption. I'm not really ready to overthrow it just yet.

[SPEAKER OFF MICROPHONE]

LAUREEN KAPIN: I have to agree with Jonathan here. I think it basically would... I'm trying to find the right word without using too charged language. It would disempower our review team to say, we are never going to make a recommendation about certain things we think should happen to promote consumer trust and competition before any next, you know, grouping of new gTLDs becomes offered.

To say that that is off the table, I feel would really wipe out what people are hoping for. And indeed, when our mandate says the whole goal of the review team is. So, I'm with Jonathan on this one.

CARLOS RAUL GUTIERREZ: I like it very much. You put the new round at the very end of the sentence. That makes, for me, a big difference. Thank you.

LAUREEN KAPIN: Well, I mean we can formulate this in the most effective way possible, but I think the point remains the same.

CARLTON SAMUELS: This is Carlton. I want to endorse that. We must stand up and say what we think.

JONATHAN ZUCK: This is Jonathan again. Consider whether any one of our recommendations benefit one stakeholder group over another. So, who has some examples of that? How we might deal with that particular issue.

LAUREEN KAPIN: I can just give this more context. I'm Lauren. And I believe this has come up particularly through the comment by the Canada pharmacies representative, that when there are safeguards that are promoting registration restrictions, that can have an impact on competition. So, that's not really one stakeholder group over another, but it's...

An example where in the interest of combatting one harm, we unintentionally may create another harm. So, that's one way that comes into play, but more generally, and there probably were other public comments that made this observation also. In fact, I'm sure there were.

More generally, we may have a recommendation that promotes, for example, end users, but registries may believe that that burdens them with costs that make it impossible for them to have a successful business model. So, to me, that's what the thread through the public comments was getting at, and that's something we need to make sure we are mindful of when we're making these recommendations.

To one, be aware of...

[SPEAKER OFF MICROPHONE]

You could put it that way. They didn't put it that way in terms of this topic. I think it's a little more nuanced than that. But I take your point. So, mindful of unintended consequences, and also be aware of helping one group and the expense of another, which is not quite a cost benefit analysis, it's more, you know, it's comparing, you know, it's comparing.

[SPEAKER OFF MICROPHONE]

MEGAN: It's what you call the whack a mole approach, Jonathan. You push on one side, and it has consequences on the other, and comes back up again somewhere else.

CARLTON SAMUELS: Carlton for the record. I'm not going to beat around the bush. There is a group that feels that this group has been, especially when it comes to safeguards and trust issues on what we've recommending, is kind of bending over to the IPC crowd.

And at least three persons have made that suggestion to me. You've given the IPC too much reign in this thing. And that's... It has been said. And at least one or two of the comments went in that area.

[SPEAKER OFF MICROPHONE]

If you look at one or two of the NCUC comments, there seems to be some question there of this tendency to go that route. So, that's what they're talking about. Maybe we should simply just push back on it. It's about consumer trust and consumer confidence. We're going to make that call the way we see it.

DREW BAGLEY: This is Drew for the record. Contrasting that though, oddly, you know, one of the comments we received, asked us to consider

the effect that registration restrictions could have on trademark holders, where a trademark holder might not fit the criteria to be able to register a domain in a particular TLD, and therefore that might inhibit their ability to defend their own brand in that TLD.

So, yeah, I don't know that we have come out necessarily pro one way or the other, even inadvertently.

LAUREEN KAPIN:

The irony is, I know I'm jumping the queue, but the irony is, we have one set of comments that are basically saying, you're going way too far, and another set of comments saying, you did not go far enough. You wimped out. So, you know, we're not going to be able to please everyone. We're not going to be able to reconcile and respond to all of these.

What we need to do is decide okay, just you know, as if anyone giving you feedback, okay, that is something that's a fair point, and this is how we should respond to it. We have to, you know, filter it, and separate what we view as the wheat from the chaff.

DAVID TAYLOR:

Yes, thanks Laureen. I've had my hand up, so I'm not [inaudible] going to ask now. There was so many other things said. I think it was back to... I'm David Taylor. My hand has been up for 38 minutes, and if I go back to the 15th slide before this one. No.

When it benefits one stakeholder group, which is the current one, I think that's inevitable because we have to look at it, we are looking at consumers and trust, and so you're looking at whether consumers are being ripped off, or not, or lost, or abused.

They're not going to be abused by certain stakeholder groups. They will be, and are being, potentially abused by other stakeholder groups. So, you will, by definition, we're going to affect some stakeholder groups more than others. And you know, we're talking about the dot film, and what I said before that perhaps we should have, you know, sponsored TLDs getting it cheaper, that is exactly the point which ties in with competition, because if they offer certain restrictions, and get less registrations, they make less money, so that's a competition aspect, and we're immediately playing into the competition, and making it unfair on them.

So, we're trying to make it a bit fairer by getting it cheaper. So, I think, we're going to be doing that. And it's obviously very tough to do it, but you have to do it as objectively as possible. And I still feel we are, and I think we are all in these recommendations.

JONATHAN ZUCK: Let's get that for the next meeting.

This is fearless leader. So, how do we operationalize this, though? Consider whether one recommendations benefits one stakeholder group or another, do we conclude by saying, they're going to so what, or there is an exercise we should go through to a fairness reading, or something like that, based on the NCUC comments. Laureen.

LAUREEN KAPIN:

So, it's not just the NCUC. But I think, to the extent you haven't already, and I'm assuming everyone in our fabulous group has done their homework, but if you haven't, I think everyone needs to read all the comments. There are not that many comments. There are only 24, I think, at most. And they're not that long, in most cases.

So, I think we all should take a look at them, and if certain things stood out for us, as you know, I haven't thought of that before, that's a good point, that needs... You know, then we can decide if we need to tweak certain recommendations.

And if things don't rise to that level, then there isn't a response, but the action item is to, in your own mind, decide for the recommendations you were involved in as part of your sub-team work, to consider whether any of the comments have made you thought that you need to now go back and tweak your

recommendation because there is something that you hadn't noticed before that is a fair point. That's my view of it.

JONATHAN ZUCK: Which is a general recommendation to everybody that was involved in the sub-team to read the comments, for sure. Waudo, yes, please go ahead.

WAUDO SIGANGA: I see like that number eight, it actually restricts that have come in, the public comments that have come in, not just a general thing, but from the comments that have come in. So, could it be a suggestion that, like in the case that she gave about the pharmacy, we have the recommendation, or we have the write-up before the recommendation.

Perhaps we could put some kind of qualifier that there are some other stakeholders within that... You don't think so.

LAUREEN KAPIN: I don't think so, because I think you could say it about every single recommendation, which is what David's point was. And I don't think we should be in the exercise of, you know, having to say, we realize this puts consumers ahead of business holders. Or, we realize that this puts this group ahead of that group.

I don't see what the goal of that would be. I mean, to what point? In making our recommendation, we have decided what our policy priority is, which is trust and preventing harm, essentially. So, I don't know what the point of that would be. The public commenters have pointed out to us, if they think we have weighed this improperly in their view.

And so, that's their role, and our role is to say, okay, yes, you're right. Or, no, we think we've come out the right way. But I don't see the point of going through that exercise.

WAUDO SIGANGA:

So, then how do we incorporate the public comments into...

LAUREEN KAPIN:

No, we... I mean, we do not have... Correct me if I'm wrong, we don't have to... Just because someone has made a public comment, does not mean we have to respond to every comment. We are not going to change this entire set of recommendations simply because we've gotten public comments saying, you did it wrong.

There may be public comments where we say, you have a point. This needs to be tweaked. We need to explain this better. We can further clarify what group this is directed to. We can reconcile our should and musts and whatever. The point of this

whole discussion is to decide, as I said, separate wheat from the chaff.

Separate what we think is a point that we need to respond to, and that's really it. This is not an exercise in responding to every public comment. We're not going to agree with every public comment.

JONATHAN ZUCK:

I have just a comment after that. I think that we are probably, at least via the shell, going to, in some way, demonstrate that we absorbed every comment. And affirmatively, say we made a decision not to act on it, or this is what we did to address it, or something like that. So, I think just to clarify what Laureen just said, not every public comment is going to result in a change to the report.

But that we will under some separate cover, acknowledge every comment, suggest that we considered it, say what we did about it, put a page reference to what we did about it, or say, that we disagree with the comment, or weren't able to reach consensus, something that we will communicate that in some form. But that not every comment is going to result in a change to the report.

LAUREEN KAPIN: And I agree with that, which is why I started previously by saying, let's make sure everyone reads all the comments. That's a must.

JONATHAN ZUCK: And Jordyn is again awake, I just thought I would announce that, because it's fun to make fun of people when they're not here. So, all right, so we're all in agreement on that. Excellent. What's our plan for incorporating the DNS abuse and [inaudible] studies, and updated parking stats?

And you said it would require an additional public comment. Did you read that in a public comment? Or was that your editorializing?

[SPEAKER OFF MICROPHONE]

I don't mean that as a pejorative, I just mean...

LAUREEN KAPIN: No, that was in the public comments. And I thought we also, we discussed that as a review team, and honestly I don't remember where we came out, but that was in the public comments that basically you're including new information, so you need to give us a chance to respond to that. And now, I'm editorializing. I personally think that's a fair point, you know, that if we're going to include new data, and we may include new recommendations

as a result of the data, I presume, in fact, we are going to be, I do think it's fair then to allow for an opportunity for comment, but that's my editorializing, which in this case, mirrors the public comments.

JONATHAN ZUCK:

So, I see Jordyn typing furiously, because I'm suddenly remembering the conversation we had about this. Well, I think where we came out was that we're going to release the studies themselves for public comment, and that that would end up being public comment on those issues, but if there are additional recommendations, that may require some shortened comment period for those recommendations or something like that.

So, Jordyn says, he disagrees with the need for another public comment, but we did agree that we were going to have one. So, I don't know. I remember it differently, I remember some of the arguments, but...

So, well, I don't know what the plan is for incorporating the DNS abuse and [inaudible] studies. I think the safeguards and trust team will be incorporating the... Well, I guess, both studies basically, so is that a sub-team issue, or is that something that we should open up to the group for discussion?

[SPEAKER OFF MICROPHONE]

And how does the group feel about, I'm sorry this is such an abstract question, about the [inaudible] survey in terms of whether or not we'll get a lot of push back from the community on what's in it. And that was always one of the questions, was, you know, does the fact that [inaudible] is the one that fielded it to their members, etc., is that open up questions or bias or something like that?

Having read the survey, my feeling is it feels pretty straightforward and that there weren't a lot of smoking guns, but specific things, and so it feels like a pretty incredible survey that folks took seriously. Does anybody have any disagreement with that? Or feel that we're vulnerable in using it?

CARLTON SAMUELS:

This is Carlton for the record. To me, it just looks like reasonable information that is picked up and reported. If there is any concern of the size of the response rate, but that response rate, even with what they had, because of this solid data that they got back from it, it mitigates the number of people responding.

So, I will...

JONATHAN ZUCK:

And it was a hellacious survey. It sort of understands why there weren't so many respondents, I guess. One of the... [Inaudible] to public comment, okay. You know, one of the issues in the [inaudible] public comment was about the fact that there was as much impact on small businesses as there were on larger ones, which runs a little bit counter to the data that we found in terms of defensive registrations.

So, is there a discussion about that that's worth having for the group and getting a better understanding of that? Because it was kind of asserted in the [inaudible] public comment that the survey said that... And it's not clear to me where that was said. David, do you feel like that's something, you have some facility with? You weren't going to? All right, then comment on what you were going to comment on.

DAVID TAYLOR:

Thanks. It was just coming back to the... I'm not sure I fully followed on the public comment period, which John didn't want but we did say we do, but it's not going to be a full public comment, but it's going to be a public comment on the [inaudible] survey and the DNS abuse study.

[CROSSTALK]

JONATHAN ZUCK:

I think these documents are going to get published before we publish our report. So, it will be an opportunity for people to provide feedback on both of those studies. So, the question is then, do we still, in addition, need additional public comment on our final report, especially in so much as it generates additional recommendations?

And I guess we're recollecting that the consensus was potentially that we needed to go out for public comment again.

DAVID TAYLOR:

Because I'm just trying to figure out which is a bigger picture of how does that affect our timings? Because that seems to effect the [inaudible] if we stick the [inaudible] and the DNS abuse study out tomorrow for public comment, and have a certain number of days, more than seven, then we're not getting that back until whenever we get it back, which means then we need to consider it, which then helps through the recommendations, so can't see those recommendations being done now until September, unless I'm missing something and things are doing super rapidly.

And then we're going to have another public comment period on our recommendations. So, I'm just trying to where there goes to, so that's a bigger picture question, which maybe I shouldn't be asking here now, but it's...

[SPEAKER OFF MICROPHONE]

ELEEZA AGOPIAN: I saw one thing on the DNS abuse study. That study is also going to inform the SSR review, so they'll be taking, they'll certainly be taking the public comments into consideration then, when it becomes a part of their review materials.

JONATHAN ZUCK: So, that might advocate for not releasing these reports previously for any public comment, but instead, just acting on them, and then having a shorter public comment period associated with their own work. People feel comfortable with that.

DAVID TAYLOR: David Taylor, again. So, and the other thing, which might be my fault in this, we ran through, obviously, we had Laurie who spoke to the INTA report back in May, at the meeting we had the DNS abuse today with the researchers. I just wondered whether it was a conscious decision that we didn't bring Nielson in to talk about their survey?

Maybe I missed something on that.

ELEEZA AGOPIAN:

This is Eleeza. So, there are a few points. We did not contract with Nielson. INTA contracted with Nielson. This is not an ICANN commissioned study. This is an INTA commission study. They were kind enough to share it with you ahead of time, and work with you, because they knew it would be of value to this group. But in terms of putting it up for public comment, I don't really see that it's something appropriate for us to put out for public comment.

Plus, we've never put a survey out for public comment. There really isn't anything to comment on. So, that's kind of a separate issue, but that's why we didn't invite Nielson. They weren't our contractors to invite.

DAVID TAYLOR:

Which is the thing, I wondered... We've obviously had all of the benefit the DNS abuse study. I don't know if everyone here has read the [inaudible] impact study, because I quite appreciate people have other things to do with their time, but that was the thing of should we have Neilson present it, because they've done it. It's the researchers, even if it's on a call at some point with the wider review team, or anybody in the review team who wants to listen to it.

And just make sure that we do think that everything in there is good data which we're happy with, before we take it forward and do bring any of that into recommendations. That's all.

What do you think Jonathan?

LAUREEN KAPIN:

So, Jonathan stepped out, so I'm in charge. Power, power hungry. Right. So, you raise an interesting point, David. And I guess I would ask you, do you think we need to hear from the Nielson folks? And to me, it raises an issue of cost, when ICANN commissions a study, it's part of their contract, I suppose, to then compensate the folks for coming in and chatting with us about it.

If it isn't ICANN's study, and I'm not sure how that actually gets funded. That's just a technical question. And then, too, I put, do you think that there is a knowledge gap that needs to be addressed by having the researchers come in here?

DAVID TAYLOR:

David Taylor, again. Thanks, Laureen. I think that, as far as I see it, with the INTR study, is that everyone is waiting for somebody else to do something, because no one is quite sure who should be doing the next thing. And I think INTA and Laurie, who I spoke to before this meeting, we're thinking the CCT review

team will come back with comments on it, which would feed back into Nielson.

So, there would be some feedback because they've prepared it, you know, to a large extent, for us. So, I think we need to consider it further, so I don't know whether anybody has got comments, and we're probably not all in a place, I'm not in a place where I could... I've got some comments, but I think we need to sit down and figure out whether we've got communal comments and go back to INTA, and then that's where...

I don't think there would be an issue, you know, with Nielson presenting that, if we then had a follow-up call, you know, with Neilson on that. But I think we do, I think the stuff which is worth talking about in there, because certainly, when I see some of this, you know, statistics on, you know, it's a slide deck.

I haven't gotten a report like the DNS that here on the DNS, we see the slides, and then I read a report, and that explains the bits on the slides, I may have misunderstood on the NTIA study. I see the slide, and then I go, ah, I could use that data, or I couldn't use that data. I'm not sure about that data. I need to clarify it.

So, I think we do need to go through that process.

LAUREEN KAPIN:

So, it strikes me then, David, that for action items, and I'm trying to keep a tab of action items myself, that an action item separate and apart from our public comment responsibilities, are for the review team, as a whole, to take a look at the materials we have regarding the [inaudible] study.

And we have the study and the slides, don't we? Or, do we just have the slides? We just have the slides?

DAVID TAYLOR:

No, I think we've just... We've got... I think we've got a deck of slides, which is a deck of slides prepared by Nielson, and that's Nielson. And then we've got the INTA overview of those slides, which is a shorter deck, but I haven't seen a report, per se.

ELEEZA AGOPIAN:

This is Eleeza. Neilson, I don't know what their agreement is with INTA. Their agreement with us is when they conducted the study, there wasn't a report that was part of the deliverable. It was the PowerPoint itself, it was extremely lengthy, and then they provided us with all of the data tables as well.

I don't know if INTA had requested a report in addition to...

LAUREEN KAPIN:

So, what I say, is our action... That's very helpful. What I say is our action item then, David, and tell me if you think this makes sense. What our action item is to look at those dense slides, and figure out if we have feedback and follow-up questions, and we should figure out a time and a deadline for that to happen, I would say, after we deal with the public comment stuff just in terms of priorities, but that we should do that as one of our action items, to follow-up on that.

And looping back then to whether we need a separate public comment period, it strikes me that we should not be having a public comment period on the studies, that's a little strange and odd to give comments on a study. People can give their comments, you know, through their public comments, and through another vehicle, but if we have recommendations that flow from, you know, this data, then there should be an opportunity for the public to comment on those recommendations.

So, to the extent we have recommendations flowing from the DNS abuse study and the [inaudible] study, then the public should be given an opportunity to comment on that. I would see it as a shorter time period, because presumably it would be a very discreet set of recommendations, i.e. a small number, and it would require a lengthy public comment period.

So, hopefully, that wouldn't push out our schedule too far. That's my observation there, but open to other views. Not seeing or hearing any, yes. Jordyn has a plus one, what Lauren just said. I so love those words.

Okay, so let's move on. I'm getting a little punchy as my time shift is crumbling. Identify... So, I'm on number 10 then of this list reflecting big picture items from the public comments. Identify intended role of data that recommend collecting. So, this, for folks who... For public commenters who were critical of all of our recommendations about collecting more data, or concerned about costs, one of the comments that flowed through some of the people presenting their views, was that it would be helpful if we don't just make recommendations to collect X, Y, Z data, but to clarify what the intended role of the data is that we recommend collecting.

So, I'll put it in shorter terms. Don't just collect data, tell us why it's important, which to me, is a fair comment. I think in many cases, we've done that already, but to the extent we haven't, then I would say, this is another action item for the pen holders, look over your recommendations, and make sure in the rationale section of the report, that you are identifying what the intended purpose is of the data that you're recommending be collected. So, that's how I see it, but I welcome to hear other views on that.

I'm seeing heads nod. Drew?

DREW BAGLEY:

Yeah, I think for all of these, we've rationalized it in a content of the body of the report itself, but I think the problem is, people are just looking at the recommendations themselves without actually reading that. So, what we can do, and should do, which would be a helpful exercise, recognizing that people might only be reading the executive summary and then the recommendations, is to figure out ways to get at least as much of the rationale as possible, in a very concise way, into the wording of the recommendation.

If it's something that only takes a few words, so I can't think of a real recommendation off the top of my head specific enough, but let's say with the DNS abuse thing, we wanted to say something... We had some recommendation of something to do for new gTLD registrars that we believed would mitigate these domain names registered for malicious purposes. We would say something like, based on the high rates, or due to the high rates of maliciously registered domain names, blah, blah, blah.

LAUREEN KAPIN:

Yeah, I mean, so this is a rare case where I'm going to disagree with you a little bit. I think that we have done that in detail,

when we went through a whole rationale section for each and every part of the report. Sorry I skipped over you, but I do, I'm going to give you your say in a moment.

I think we've done that already, but maybe what we need to do to recognize your very practical observation and true observation that many times people, despite David's admission to just read this whole 150 plus page report with a cup of tea, and it's not that bad, maybe folks aren't doing that.

And so, if we recognize that reality, maybe what we need to do a better job of is letting people know in the executive summary that this report contains rationales for each and every recommendation, and in fact, maybe we could even cross-reference in the recommendations, what page the rationale is at. Maybe that would make it more digestible and user friendly.

But I wouldn't want to further muddy these recommendations with even more language to be picked at and you know, questioned by including the rationale within each, when we've already done that.

Yes, sorry I skipped you.

NEGAR FARZINNIA:

No worries. Negar for the record. I think one of the things that might help address this issue, is one thing that we had brought

up in our conversations before too. Some of the recommendations in the report have a rationale section. There is a recommendation, there is a rationale section right underneath it.

So, it says factors, measures of success. So, all of those details are filled out, which is obviously extremely helpful, but I think that not every recommendation in the current draft of the report has that, and that probably causes people to not understand why a recommendation has been made.

So, I think for the sake of consistency, as well as having recommendations that are smart by definition, it would be very beneficial if we can fill out the rationale, success factor, and details of every recommendation that is currently in the report. And in the second draft, have that out, which might help address a lot of the questions.

LAUREEN KAPIN:

I think that's an excellent suggestion, and so that would be an action item for the sub-teams. Review your recommendations and the text that goes along with them, to confirm and amplify, if necessary, what your rationale is and what the measures of success would be, if that recommendation is implemented as you are advising.

Other comments? Questions? Okay. And finally, the last point here is, consider whether our recommendations overlap with existing initiatives. And this, in particular, the ICANN organization made this recommendation, although others echoed it, which is that there are existing initiatives.

For example, the health index, the DART initiative, the market place something or other, market place index, I'm sure I'm mucking up these names. But there were several initiatives that were described with the comment, consider whether your recommendations are overlapping or duplicating existing efforts.

And my view on that is, that's important information we should know about. There are always a large number of work streams going on with ICANN at the very same time, publicized in different ways, and sometimes not publicized enough.

So, what I at least personally would appreciate, is to the extent, and maybe we can have more of a discussion about this tomorrow, but to the extent these initiatives have been identified, it would be great if we can get some folks from the ICANN organization to give us a little more detail about these existing initiatives, so we can make sure we understand whether and to what extent our recommendations are duplicating existing work.

Certainly our intent is not to duplicate existing work, but just the fact that a work stream is going on, first of all, doesn't mean that it's actually going to result in the same goal that we have set our sights on for these recommendations. So, if the first step is educating us on what's going on, and the second would be to understand what is going to be the end result, or the intended end result of these varying initiatives?

When are they supposed to take place? That sort of thing. Then and only then, would we be able to properly assess whether it's a true duplication effort, or just an overlap.

ELEEZA AGOPIAN:

This is Eleeza. Thank you, Lauren. So, in the ICANN input, at least, we tried to highlight which specific recommendations where we saw overlaps, for example, with metrics that are collected for the marketplace health index. If you would like more detail on those, where exactly we see an overlap, I can certainly take that as an action item for my team and others to do.

So, that's one. I had another point, but it's now escaping my brain.

LAUREEN KAPIN:

And I read that. To me, it didn't get to the level of specificity that I needed. And some of these... Like, the health index, I've been involved in some of those preliminary meetings and participated. And to me, that's an initiative that, at least in the meetings that I went to, it felt like it was in a very beginning stage.

They were still working on defining things. So, that's why I need more information about, I understand there is discussions going on, and I understand there are efforts going on, but I'm not sure where it is in terms of actually being implemented to the extent that I feel that we should eliminate a recommendation because someone else is already doing the very same thing we're recommending.

ELEEZA AGOPIAN:

And I think... This is Eleeza again. I think it's not just to eliminate it, but whether you can say, this is something we can recommend, and here is where it is also being, it is already being collected. If it's something you feel strong enough about to suggest that, for example, the marketplace health index continues to use a particular metric, or does in fact, incorporate a particular metric that they are now considering, which they've published, I think, two or three iterations of the index, so you

can see what has actually, what is underway and what would continue to be published.

I don't know the exact timeline for when the next one is coming up, but that's an ongoing initiative is one. The other point I wanted to make, that is somewhat related to this discussion is, the metrics that we have been collecting and publishing that were recommended by the implementation advisory group that preceded this review team, we've still been collecting them and publishing them every month, just out of the fact that we had them on our page.

We knew that occasionally some of those pieces of information were coming in handy for other requests that came from this group, from other groups. For example, the RPM PDP group has used a lot of the metrics we've published there. My team is responsible for that page, and we're trying to come up with an approach for, how do we tackle this when the review is done, is this something, do we continue collecting everything in perpetuity?

That doesn't really makes sense. And part of what we're, we've been discussing internally as a team is, where are the overlaps with other efforts? And is there a better way to tackle this when you look at...? And this kind of goes back to the conversation about recommendation one, when you look at all of the

different efforts to track certain data and metrics across the organization, is there a better way to capture that organizationally?

So, maybe we are responding to recommendation one already. But that's kind of a high level thing that we've been thinking about as well. But to your point, I'm happy to go through and were we point out, at least in the ICANN org feedback, the overlap with other efforts. I can provide more feedback on that, or more specificity.

JONATHAN ZUCK:

This is Jonathan. And I guess, one question is, to the degree in which that is an implementation issue. In other words, if we don't manage to capture all of the areas of overlap, but in implementation, we see there is, an overlap is seen, then you can say, yup, check, that's being done, because it's happening here, or something like that, and that can still be in an implementation recommendation.

LAUREEN KAPIN:

So, in your absence, we finished up the list.

JONATHAN ZUCK: Awesome. All right. The intended role of the data. Good stuff. So, does everybody know what they're doing then, with regard to those high level issues? Finished up.

LAUREEN KAPIN: No, I have a list of action items. I'm probably, Jean-Baptiste has been taking notes also, but my, here is my action item list to, for the sub-teams to look at their recommendations and consolidate and eliminate duplicative recommendations were applicable. Two, to review the wording to ensure its expressed with an eye to the Board adopting the recommendations verbatim.

And a related to reconcile the language to make sure we're consistent in the way we use the musts, and the shoulds, and the shalls, etc. using the IETF definitions. Three, to clarify what group will implement our recommendations if the Board approves them, and what's expected.

And to put this another way, who will take this on? Who is best positioned to implement the recommendation? And then finally, to review our recommendations to make sure that each recommendation has a rationale and a measure of success to the extent that it doesn't already.

That's what I have for action items. Did I miss anything, Jean-Baptiste?

JONATHAN ZUCK: All right. Awesome. So...

DAVID TAYLOR: Sorry, David here. David Taylor. Lauren, you did miss the one about [inaudible] study and reverting to INTA as an action item for us.

LAURREN KAPIN: Yes. I did. So, we should add that to the list, thank you. The other action item, and I missed it because it doesn't relate to the public comments, and I'm thinking about this through the lens of the public comments, but as an additional action item unrelated to the public comments, it is for the review team to look at the [inaudible] study and see if we have any feedback for [inaudible] to relay back to Nielson who commissioned that study, seeing as how we are enjoying the fruits of that study.

We should at least be providing useful feedback to make it even better.

JONATHAN ZUCK: Put my microphone on. The standing guideline. Is it worthwhile, looking at some of the sort of recommendations departmentally? Or by sub-team? And seeing what sort of general feedback you got? And how you're thinking of responding? How much of this are we just postponing to a sub-team meeting? And how much have you been able to absorb in the short-term?

Drew and Lauren, for example, on safeguards and trust. Do you feel like there are areas that are worthy of consideration by the larger group, I guess is the question?

In our agenda, the agenda is set up around individual recommendations. And we've kind of moving away from going recommendation by recommendation. But the question I guess I have is, in the context of the consumer trust and safeguards, are there general observations about the recommendations in that arena that you want to share with the group or discuss or surface, that would benefit from a broader group discussion rather than just a sub-team discussion?

Is that clear?

LAUREEN KAPIN: So, it seems to me that the comments that fall into, you're going to far or you're not going far enough, are ripe for plenary team discussion. That's my observation.

JONATHAN ZUCK: All right, and so what were some examples of those? What can I get you to lead a discussion?

Related to trust and safeguards in that context?

LAUREEN KAPIN: Yeah, it's... David has one. David, go ahead.

[CROSSTALK]

...you're making Jonathan sick.

JONATHAN ZUCK: Way to throw out a life saver there, David.

LAUREEN KAPIN: Thank you, David.

DAVID TAYLOR: Okay.

[SPEAKER OFF MICROPHONE]

That's good. So, I throw a lifesaver to Lauren, and then Drew actually throws it to me and carries on. No, on the comment side, I mean, on the recommendation 42, which is a review of the Trademark Clearinghouse and its scope should be carried out to provide sufficient data to make recommendations, and allow an effective policy review.

And the rationale is that the effectiveness of the Clearinghouse appears to be in question. So, to me, that is something which is pretty simple, and it's not going anywhere badly. And then we've got one comment which seems to me, go off on something else, which is irrelevant to what's actually being said.

This reads like many comments to the RPM working group, from the IPC. So, this is carrying on from what Carlton had mentioned. It's calling hard on the rights protection mechanisms working group to expand beyond applying to only identical matches, and extend to include mark keywords.

No review team in history has ever faced recommendations so completely serving the interests of one of the stakeholder communities at the direct expense of others. Like recommendation 41, recommendation 42 undermines the grassroots multi-stakeholder model of ICANN.

NCSG trusts this is a mistake in wording, and these two recommendations will be removed. Now then, I read the

comment and I went back to the recommendation, a review of the Trademark Clearinghouse and its scope should be carried out to provide us with sufficient data to make recommendations and allow an effective policy review.

So, there is... It doesn't match the recommendation. The recommendation isn't saying anything like that.

LAUREEN KAPIN:

Yeah, so what I would say is, thanks for that example. Are there...? My question would be, rather than talk about the comments that we think are, that we don't need to follow-up on, for example, if they are suggesting something outside of our remit, or they're simply not responding to what we actually recommended, rather than spend our time debating that, which I think probably is not going to inspire much of a discussion, are there comments where we believe the, you are going too far, you are doing too little, are there situations where we believe the comments actually raise an issue worth discussing?

And for that, Drew, are there specific things in the recommendations that you were going to lead a discussion on that you think fell into that category? And headline for my sub-team, during the recommendations where you are assigned to lead the discussion on, if you think that there are comments that fall into this category that are worthy of group discussion, for

example, you are doing too much, you are doing too little critique, now would be the time to raise that.

So, if everyone, at least on my sub-team, could be looking through their cheat sheets for leading the discussion, do that now so we can raise these issues.

DREW BAGLEY:

Yes. So, for each of the ones assigned to me, I think there are points we should discuss. So, beginning with recommendation number 19, as well as recommendation 34, those are two recommendations that could potentially be combined together. And then, yeah, I was just going to read what each recommendation was.

[SPEAKER OFF MICROPHONE]

And I was just going to note... So, I went through all of the comments, and then pulled out what should be our discussion points, or analysis points, or takeaway points, for them, but with that said, even though there was language that opposed the recommendation we made, or what not, I did not see anything as strongly worded as what David just read.

So, good luck, David.

So, for, yeah, so for recommendations 19 and 34, just to remind everyone what they were, and how we should, you know, establish whether they could be combined. Recommendation number 19 was to repeat data collection comparing abuse rates and domains under new versus legacy registry registrar agreements.

So, it would essentially be repeating the analysis that we just received the presentation on, but this recommendation is framed with regard to registry and registrar agreements, versus recommendation number 34, which was repeat and refine DNS abuse study to determine if the presence of additional registration restrictions correlate to decreases in abuse in new gTLDs versus new gTLDs without registration restrictions.

And as compared to legacy domain names, which do not have registration restrictions. And so, we have these as separate recommendations because they're looking at just discreet aspects of potential correlations between new gTLDs and legacy TLDs, as far as variables.

And we were in our draft report, fitting into them in those discussion topics. So, I think there is certainly a reason why they're separate, but I could also see for clarity's sake and for purposes of tasking it to the appropriate entity, why we might

want to instead just create a more comprehensive singular recommendation.

And along the lines of both of those, there is feedback about how we should look at registrars under RAA 3.18 and specification 11, and determine potential correlations there, but that's exactly what we're talking about though already, I think, with the registry and registrar agreements, but that was just worded in a specific way, and feedback for us.

And then, a recurring theme that is in all of the recommendations that I looked at, is, of course, the notion that we need to articulate what's within our scope and mandate, and you know, whether or not this is something where we're saying something must be done before the PDP working group can act, and/or the subsequent procedures working group.

And so, basically those comments were implying to every single thing. So, that's just, you know, another thing that we need to make sure we, I guess, come away with in these two days, is our scope. And I think we should stand firm with what we believe our scope is. You know, even if it will have an effect on other groups.

And then, going back to what we discussed earlier, we could be more specific about, even if we don't want to be too prescriptive, but we could be more specific about the

methodology and how we're stating these recommendations about repeating the DNS abuse study, to say that a repeat a DNS abuse study that analyzes this, this, this, and this, just and you know, because that can help people, of course, determine costs, and size, and even scope of the study, so that we would be making clear that we're not calling for a repeat of historical analysis that's already been undertaken, and we're focusing on a more forward thinking approach.

So, that pretty much, those are the main things we need to think about for 19 and 34, and then, like I said, some of those comments that apply to all of the rest. For 30, recommendation 35, that we have suggested that we collect data on cost and benefits of implementing registration restrictions, including the impact on compliance costs, costs for registries, registrars, and registrants. And we've been asked to consider combing this recommendation with recommendation 16, which was to commission a study on the impact of restrictions on who could buy new gTLD domain names.

And the bullet points we had for that one were to compare trust levels with varying degrees of registration restrictions, correlations with DNS abuse in the presence or absence of registration restrictions. Cost and benefits of registration restrictions and how to enforce registration restrictions.

So, similarly, this is, you know, obviously tied... Some of this could be tied to, or some aspects could be tied to recommendations 19 and 34, but not all of them. This is definitely a distinct one, but we should figure out if 35 and 16 maybe should be combined. And then for recommendation 36, we've been, this is where we asked to seek public comment on the impact of new gTLD registration restrictions on competition, including whether restrictions create undue preferences.

And we've discussed this topic earlier today, about how we could be favoring one licensing community over another, depending on who is controlling it, gTLD... And this could also, of course, effect trademark holders, if they couldn't register a domain name because their registration restrictions, and therefore not defend their trademark.

All kinds of things. So, when we ask to seek public comment on this, as with everything, you know, people want to know if, how this, such a public comment period would fit into the work streams of the other groups, and to the potential delegation of new gTLDs. So, this is one where we need to keep this comment, we probably should better define the methodology we're speaking about here.

And maybe factor in what we... More specifically, where do we think this public comment period would fit into the scheme of

things. And then recommendation 37, we recommended to improve accessibility of voluntary picks, by maintaining a publicly accessible database. And actually, 37, 38, and 39 deal with picks. So, one thing we have to consider for this is whether picks would even be used in the future.

And so, we should word our recommendations to say, to the extent voluntary picks are used in the future, or a similar mechanism, we recommend this. That would be something that I think would take care of some of the comments. And then, also, since we published our draft report, we now have an actual pick example, which is the dot feedback case.

And so, I think we should carefully scrutinize that and see how that might affect our recommendations one way or the other, or lead us to new recommendations dealing with voluntary picks.

And that was even brought to us through a comment too.

LAUREEN KAPIN:

Drew, I just wanted to jump in. There was several mentions of the review team's failure to mention dot sucks and dot feedback as illustrative examples of certain types of problems in the new gTLD process. And I do think that that topic is also worthy of discussion, whether we want to amend the report to at least mention those examples, and some of the problems they

highlighted, just in terms of providing overall text, because we were aware of them, even if they weren't mentioned in the report, but I think it's a fair point to ask everyone if there is consensus that those examples are...

It's not even important enough. If those examples are illustrative of certain principles that we discuss already in the report, and therefore should be mentioned.

DREW BAGLEY:

Yeah, I think dot sucks is a terrific example of a variety of things where we have obviously freedom of speech. We have intellectual property rights, intellectual property rights holders potentially paying large sums of money to defend their brand.

On the other hand, like I said, there is the freedom of speech argument with it, of course. There is the fact that it is, you know, it was delegated, and yet was controversial from the onset and what not. So, I think that would just looking at all of those examples, in the way in which that was handled, would probably be helpful as we're looking at all of these other issues.

I think that's definitely good feedback to look at that. And then the other aspects that...

LAUREEN KAPIN: Dot feedback was the other.

DREW BAGLEY: Yeah, dot feedback. Dot feedback, in particular, we want to look at because we actually have a [inaudible] case from that. So, I think that's really important we look at that as we frame these recommendations and decide what to do. For recommendations 38 and 39, there is also concern over the fact that we... So, recommendation 38, we said future gTLD applicants should state goals, state the goals of each voluntary pick that they are proposing.

And 39 we said, we should require all voluntary picks to be submitted during the application process, so the GAC has sufficient opportunity to meet deadlines for community and limited public interest objections. So, to kind of sum up the feedback for both of these combined, it's that we should acknowledge the fact, and deal with this one way or the other, that a gTLD might want to add voluntary public interest commitments after the domain name has been delegated, and therefore, if we're being so prescriptive that we're describing when something must fit into the application process, and how we would deal with something that would come up potentially years after the application process if we wanted to incentivize

people to still hold themselves to new standards if they want to after.

So, we should figure that out. And then also, during the application process itself, we should consider refining this recommendation to be broader, so that we, so that it's not just GAC feedback, but that it's feedback from the entire community that could be provided during this time before a voluntary pick would be accepted, and then the extent to which we would then want to ensure that applicant would have time to remedy any potential concerns there were.

And so, a lot of the feedback dealing with that focused on the fact that, of course, voluntary picks in their current form came about, I think, much of the time, due to feedback that had been received. And so, it was to mitigate perceived problems. And so, we should consider all of that.

And then, I think that...

LAUREEN KAPIN:

I think you...

[SPEAKER OFF MICROPHONE]

Right, that's what I was going to ask you.

[SPEAKER OFF MICROPHONE]

DREW BAGLEY: Yeah, I guess all of these, really. So, like, I think the voluntary pick thing, even though it was just a sub-team topic we worked on, this whole group is very familiar with the application process as a whole, and familiar with what a registry might or might not want to do after something has been delegated. So, I think that's my point with bringing that up.

LAUREEN KAPIN: So, I think, Drew...

DREW BAGLEY: In general, just being more descriptive with our methodology for all of these things.

LAUREEN KAPIN: So, what I would ask, just so we can have a productive discussion, and thanks for the overview, which is very helpful. Which one of these...? I would ask you, at least for terms of our discussion, if you're going to prioritize these as to what you want the... What is the most important for you, during our limited time, to get feedback on? Since we're not going to be able to go through every single thing.

And we may be doing some of this via email or other forms. But for while we are face to face, tell me what issue you must want to get our input in of those that you mentioned?

DREW BAGLEY:

I think group feedback would be particularly helpful with considering just broadly what we want to ensure went into a new application process. So, for these ones, we're talking about picks, but I know, and the reason why I bring this up to the whole group is I know there must be other things that would fit into a future application process.

And so, I would love, I think, feedback on that is important, and then, feedback on how descriptive we should be with proposing repeating future studies, knowing that the studies are going to add things in the future, and not necessarily repeat everything we did this time around, like historical analysis.

LAUREEN KAPIN:

So, let's take the first topic first. Feedback for Drew on this issue of our recommendations as to problems that were identified, and in this round, went basically were then acted upon through the public interest commitments, and those aspects of the contracts. How...? To what extent we want to have recommendations that focus on...

And tell me if I'm saying this right, Drew. To what extent we want to have recommendations that focus on what needs to be a part of the application process in terms of protecting the public. Is that a fair way to put it? Okay. Carlton.

CARLTON SAMUELS:

It's Carlton for the record. So, the picks saying that they were given was a part of the application, and at some point, in the process instead of being voluntary, it became contractually obliged. If they become contractually obliged, then it is rationale for the obligations to be tracked and measured.

It is rational for the proposal to say what the objectives of the picks are, because that's the baseline from which the contractual obligations could be [inaudible]. I just think that is perfectly normal, logical, process. What happened in this case is that it was, tacked on. They were tacked on. So, now that we accept that the registry candidate proposed these commitments, and we accept the commitments as binding, we ought to have a mechanism that is clear about how these binding commitments will be accepted and adjudicated.

That's all that is. That's how I see it.

LAUREEN KAPIN:

Other feedback? Jonathan.

JONATHAN ZUCK: This is related to what Carlton said. I mean, there seems to be a real division within the community about the value of picks to begin with. Carlton's remark about them early on notwithstanding, right? And so, is that a broader topic of discussion that the process by which they're implemented and become, the process by which they become involuntary once they're committed to, or something like that, is there a generalized discussion that needs to happen there that's beyond individual instances?

CARLTON SAMUELS: Carlton again for the record. Yes, there is a general discussion about it, that should be had, I think. When the picks came up in response to some pushback from certain groups about the value that was associated with some applications. And so, the response was, well, we could make some commitments, and they said, it's voluntary. And I personally came up from day one and said, they weren't worth much if they were voluntary, because they guy...

It's like putting lipstick on a pig.

JONATHAN ZUCK: But they cease to be voluntary once they're in the contract.

CARLTON SAMUELS: They cease to be voluntary once they're in the contract, and they still expect them to be treated as if they were voluntary, the registry stakeholder group. For example, they ask the question here. What is the perceived benefit of the recommendation? We didn't ask them to give picks. They are the ones who committed to them. They were the ones who said we are contractually obliged to them. So, that kind of reasoning, I don't understand.

They said yes, we will accept them. They said yes, we will accept that you have oversight on them. So, if we say, okay, we must have some objectively measurable standard to accept whether they are any good or not, what's wrong with that? I don't know.

[SPEAKER OFF MICROPHONE]

DREW BAGLEY: Yes, the second topic was about, because it applies to not just these recommendations, but any of ours we're recalling for future research. Yeah, what sort of criteria, as a group, should we all try to put into our recommendations to kind of standardized, or at least think about, so we can be more detailed about the methodology when we're describing a future study or even repeating a study?

Because that would help people quantify costs, project timelines, etc. Because a lot of our feedback was dealing with this. It will take too long. This scope is ridiculous. This will cost too much. And so, for some of them, like I said, I know with the ones I'm most familiar with, the perceived costs were not necessarily accurate because an assumption was being made that it would look like the one we already did the combined tons of historical data, for abuse, for example.

JONATHAN ZUCK: Yeah, please, go ahead.

MEGAN: Luckily, Drew remembered what he was going to say, which prompted me to remember what I was going to say. And that is, I think you're absolutely right about the cost element, but also, this is an ongoing process. The whole idea that this is something that takes place over time, it's not going to disappear. It's not a one off operation. It's not this CCT review is the first and only time.

And also, as we've said many times, we didn't have enough data. It was premature to do a full assessment. I'm speaking into my mic now. It's Megan speaking. Sorry.

So, I couldn't agree more with what Drew had said. This is something that is long-term, it's ongoing, it's repetitive, and by doing incremental assessments of where we are at each appropriate time, and we're not necessarily saying the exact time, except if it's pre-next CCT review, or pre-certain decisions, I think this is something that we should also say has many benefits.

And this is something that's long term. And the incremental, or marginal cost, of doing this is relatively small compared to the benefit.

JONATHAN ZUCK:

And this is Jonathan. Your question, I think, was also about methodology for sort of standardizing. It feels like you were taking a specific thing and trying to make it general, but I mean, standardizing a way that we talk about future research, as in its incremental or ongoing, versus new or something like that, is that where you were coming from?

Because there are instances in which we suggest studies that we did not perform, and there are instances where we suggest continuing to collect the data that we began to collect. Is that the distinction you were kind of after, Drew?

DREW BAGLEY:

Yeah, that and then to just even say, you know, a timeline. For DNS abuse, for example, it would say, we recommend repeating the DNS abuse study where the current one left off up until, you know, some point in time, whether it's an actual data up until the next review team convenes, or before the next review team, or before new gTLDs are delegated, or whatever it is.

We come up with things like that, I think, for each research recommendation. And just really scrutinize the feedback we've given to... Because I think a lot of it would, the feedback would not... And frankly, for ours, I mean, the ones that I went over, there was a lot of support in general, anyway, for the recommendations.

But for those who did not support it, I think that they would not necessarily would be opposed, or as opposed, if we were just more specific about things. With timelines, scope, what we're measuring in general, instead of just saying stuff in such a vague way.

JONATHAN ZUCK:

So, be more specific in the description of the study. And we should agree to do that generally.

[SPEAKER OFF MICROPHONE]

Does anybody have an objection to that? That sounds pretty reasonable.

Okay. Other issues? Sort of broad discussion?

CARLTON SAMUELS:

Can I say something? And this goes to the ICANN organization response, especially section 38. Well, we don't know whether or not voluntary picks would be a part of any subsequent round, and so it is unclear what we ought to do. And I'm going to say, really? You have accepted...

The horse is out of the gate. You accepted there are some things called picks, public interest commitments. And you have [inaudible] of the contractual obligations in current round. All we're saying is that if you get to the point of public interest commitments next time, ensure that you know upfront what these are, and make sure that you have a way to validate them. That's all we're saying.

And the ICANN organization accepted that picks. They became part of the book, what do you call that book again? Applicant guidebook. There was lots of stuff in the applicant guidebook, on picks, yes. And so, that became part of the whole operational administrative framework.

You've accepted them in the administrative framework. If you accept them, let us have a good way to evaluate them. That's all we're saying.

LAUREEN KAPIN:

Playing devil's advocate. I read their comment to mean, just because we did it that way this first time, it doesn't mean we're going to do it that way again. And say, for example, let's just say we have a crystal ball. And we know there is going to be a second round, and we know they're not going to do it that way again.

I think their comment is, should we be pouring all of these resources into taking your recommendation when we're actually perhaps going to be considering a different path next time? To me, that's the point they're raising.

CARLTON SAMUELS:

And I'm saying, if you do, do that. I just put it in front of all of that. If this is what... If you take this road, then here is a better way to achieve what we agree is important. That's all we're saying.

LAUREEN KAPIN: Fabro, did you want to talk about recommendation 15? Because I thought that actually... Some of the comments about recommendation 15 were the subject of a lot of pointed disagreement in the public comments.

FABRO STEIBEL: One second. [Inaudible] 17, 18 and 21, 22. Just let me catch up with the 15.

LAUREEN KAPIN: Sure, sure, sorry.

Oh, I'm sorry, this is my mistake. Is it my mistake? No, discussion leads, Fabro, 31. Oh, I'm sorry, I misread it. Apologies, Fabro. It's [inaudible], [inaudible] is 15. Apologies to you [inaudible], for calling on Fabro for that. Did you want to talk about 15? Because I thought that related to some very different views about whether we went too far or not far enough.

Microphone.

UNKNOWN SPEAKER: This is [inaudible] for the record. Some of the comments that have been received, feel like...

LAUREEN KAPIN: Just talk about the recommendation first, just to orient us.

UNKNOWN SPEAKER: Okay. So, the recommendation is that ICANN should repeat selected parts of global surveys, for consumer end user and registrant surveys, in addition to the necessary baseline questions, i.e., repeat the 700, 800, 900, and 1100 series of the survey questions, in particular, question 775, 1036, 1050, 1055, and 1060, to look for an increase in familiarity with new gTLDs, visitation of new gTLDs, and the perceived trustworthiness of the new gTLDs.

And we said that this should be a prerequisite. And as Lauren mentioned, we have been asked to elaborate with regards to what the cost would be, and whether the cost would justify the benefit of the recommendation.

We had a comment that I wasn't quite sure if... I wasn't quite clear on it. It says, although a data for... This was from Domain [inaudible] dot com. Although data for registrants, preferences for types of TLDs, i.e. [inaudible] provide insight into choice and trust, it's unclear how registrants preferences for particular TLDs information the extent to which they expansion of the gTLDs has promoted consumer competition, consumer trust, and consumer choice.

It would be helpful for us to clarify, so that we can ensure that appropriate and [inaudible] could be performed to inform future discussions of the [inaudible].

[SPEAKER OFF MICROPHONE]

Well, they've actually put a blanket comment, I think, for all of the recommendations one to 16.

[SPEAKER OFF MICROPHONE]

So, the extent to which this applies specifically to 15...

LAUREEN KAPIN: Well, was there a comment that definitely applied to 15 that you think is worthy of our discussion?

UNKNOWN SPEAKER: Yeah. The International Trade Association.

LAUREEN KAPIN: That's the one I thought too.

UNKNOWN SPEAKER: Okay, so the comment reads that the draft report makes numerous recommendations for additional studies regarding measuring consumer trust. Questions are focused on evaluating

consumer trust and one gTLD over another. It says that we do not consumer trust in the new gTLDs as a whole. That their level of trust will be affected by their experiences with specific sites across the DNS.

Ultimately, it says that a study to collect that data should be conducted, along with the other types of studies recommended by the review team. And until all of the relevant data is collected and evaluated, it would be premature to consider whether ICANN should move forward with accepting applications for additional new gTLDs.

LAUREEN KAPIN:

They also made some very specific comments that I wondered if that is something we should consider for the study. And specifically, they recommended looking at three different factors. The frequency of being misdirected, any fraudulent schemes and malicious abuses. Because in their view, trust in the DNS overall, from a consumer perspective, is going to really going to be, that is really going to be affected if you intend to go to one website and you are misdirected to another, if you are the victim of a fraudulent scheme, or if you are the victim of malicious abuse.

So, to me, this is something for us to consider in terms of asking ourselves, does the DNS abuse study, as it's currently

constructed, does it measure those things? And I think probably not all of these things. Malicious abuse, I think it does measure. I don't know that it measures fraudulent schemes, and I'm wondering how you would measure that, because it is a rather broad concept.

Frequency of being misdirected, perhaps that is something that could be included. I think these were interesting points, that they're worthy for the group think.

UNKNOWN SPEAKER:

The business constituency also made an interesting comment, about...

The ICANN business constituency also made an interesting comment about whether... It talks about awareness and familiarity, and says that the general public has a lower awareness of gTLDs, other than the three legacy gTLDs that are mentioned there. And so, it would be interesting to see a study that repeats part of the previous study, but targets more of a general audience.

I think what they're saying is we should be specific in terms of, sorry. We should target the general audience, and gauge the level of awareness versus the familiarity, and trust as it were. It is important to promote awareness of the new gTLD program,

with special focus on potential applicants in the global south. The BC therefore urges ongoing work to understand barriers to participation, such as the CCTRT report, evaluating limited Global South involvement in the program, and other studies looking at issues like new gTLD use and perceived trustworthiness.

LAUREEN KAPIN:

Folks have thoughts and comments about that?

Drew, what do you think about the recommendations for the DNS abuse study? That's how I read it. Sorry, I know your mouth is full. Swallow first.

DREW BAGLEY:

I put candy in my mouth. Right before that, so this also appeared in another recommendation, with regard to intellectual property related problems. And so, I think that going back to our earlier discussion, either way we need to hone in our definition of DNS abuse for purposes of our recommendation. In the draft report, we of course, cited the one that was created in the ICANN paper that was prepared to inform us for the review team.

So, whether we're sticking with that or whether we're switching to the definition specific to the contracts, which the two are very

related anyway. I think that we need to then distinguish that from fraud, and that would be an additional study, because... And sending with the redirects, because those would come up with all kinds of complexities in and of themselves, as to why you would legitimately have a bunch of redirects for some multi-national organization, etc., or different brand campaigns, or what not.

And then with the fraudulent ones, you're dealing a lot with potential local law, as it was fraudulent, because you're not necessarily just dealing with a phishing site, you're then also dealing potentially with intellectual property and whether someone is a licensed dealer to sale whatever, all kinds of schemes and what not.

So, I just don't know that clear data would be there, like there is clear data for bot net hosting, phishing, all of the things that we're already looking at. So, those are very important issues. So, I think that we should not conflate them with the DNS abuse thing or with those recommendations, so instead to the extent that we come up with a recommendation on those topics, it should be that, you know, we're recognizing that they're such a problem that the next review team should come up with a way to analyze the problem, or some other group should come up with a way to do that.

And then we can, of course, add suggestions as far as important variables or what not.

UNKNOWN SPEAKER: I think one of the other comments was... Not other. One of the comments was from ICANN organization, and they are specifically are referring to the gTLD marketplace index, as to how far this particular recommendation could be aligned with the gTLD marketplace index. And having looking at the particular section of the gTLD marketplace index that deals with trust issues, I wasn't too sure whether...

I think the two could become complimentary, rather than one or the other, because when I look at the marketplace index, it doesn't look at the specific, it doesn't differentiate between the new gTLD and the legacy gTLD. And I think specifically the CCTRT was looking at the extent to which the new gTLDs have promoted trust in this particular instance.

So, I'm not quite sure how we can work with that or build onto what the gTLD marketplace index already has.

LAUREEN KAPIN: Other comments or thoughts? Okay. So, Fabro, did you have, for the recommendations you're the lead on in terms of the

discussion, where there points that you wanted to bring up for us as a group to discuss?

FABRO STEIBEL:

Okay, Fabro for the record. So, I'm leading the discussion of 31 and 32. They have four and three recommendations each, so it's not much and they're basically the same, except for a minor difference. On 31, two of them is supporting from ICANN business constituency and GAC.

[SPEAKER OFF MICROPHONE]

[Inaudible] Let's see if I get here, otherwise I get the report. Examine ICANN compliance complaints for a registry operator failure to comply and with safeguards on. Inherit government functions and cyberbullying. Summary, while comments welcome to survey, given important registry operators comply with special safeguards.

One respondent expresses agreement with recommendation describing, it's beyond the scope. This will be the NCSG, and the other two supported. I would say we don't have to take the comment as to change the text, accept that ICANN organization says update on something that we ask.

So, they say, recommendation 31 is better ICANN contracted compliance has received complaints for registry failure to

comply. And they say, ICANN organization has not received complaints related to these safeguards, which we can add to the final comment that we provide below.

And then on 32, that will be service on enforcement by registries of cyberbully safeguards. Again, have a similar [inaudible]. Two comments support our decisions. ICANN business constituency and GAC. One disagrees, the NCSG, and then this time, the ICANN organization commented, just a general comment.

So, I think we don't have to add anything in the recommendation's text we have right now. Comment on the NCSG, that basically said, the recommendations are beyond the scope and mission limits of ICANN and ICANN community. My comment would be, I would disagree.

I think it is within scope, and limit, and so on. So, ending the reporting, I think 31 and 32 text are fine, just review the text, the background text, on 31 to add ICANN organization comment on the complaints.

LAUREEN KAPIN:

Thanks, Fabro. Calvin, did you want to talk about, you have some of the WHOIS recommendations as well as two other recommendations on different topics. Are there any that you think we need to discuss? Are there any issues that you think are

raised by the public comments that we should get the group perspective on?

CALVIN BROWNE:

Yeah. Calvin Browne here. I actually had a couple of questions on the recommendations themselves. Two things that I think are quite important that I wanted to resolve in my mind. The first one was on recommendation 20, where we refer to the registry operator framework.

The proposed registry operator framework, and I couldn't quite find out exactly what the registry operators framework was. In fact, it was only mentioned twice when I did a Google search...

LAUREEN KAPIN:

It's the, yeah. This is like... We should have been more explicit. It's the specification 11 discussions that are going on, that actually have resulted in a proposed draft framework, that the registries are... It's basically a framework, a voluntary framework, for registry operators in terms of how they will respond to security threats.

If you... There actually have been... If you go... There have been several calls for public comments on that, at least within the GAC. So, if you... Why don't I ask staff to point Calvin to where the materials live on the ICANN website for the

specification 11 proposed security framework by the registry operators?

[CROSSTALK]

CLAVIN BROWNE: I think we really need to change it around...

LAUREEN KAPIN: So it's more specific, yeah.

CALVIN BROWNE: Because I [CROSSTALK]...

LAUREEN KAPIN: It's cryptic.

CALVIN BROWNE: Like I said, when I Googled it, it came up in two places. One was our document and another, one other documents [CROSSTALK] VeriSign.

LAUREEN KAPIN: So, that's a very good comment.

CLAVIN BROWNE: Okay, so it's spec 11, all right then. The other one that I had something on was on recommendation 17, which is fairly long. But what we do there, is we also go, and right at the end, we say ICANN should also identify other potential data sources of WHOIS complaints, registrars, registries, ISPs, [inaudible] in an attempt to attain ammonized data from these sources.

And it was unclear in my mind, why we had put that down there. And I was wondering if somebody could refresh my memory, because I've kind of missed that, missed what we're trying to achieve with that part of the recommendation.

It says, ICANN...

LAUREEN KAPIN: This is 17, yeah?

CLAVIN BROWNE: Yeah. Recommendation 17, let me read the whole thing, because it will put it in context. ICANN should get the data to assist where there are significant percentage of WHOIS related complaints, applicable to the new gTLDs, related to the accuracy of the identity of the registrant, and whether they are differences in behavior between new and legacy gTLDs.

This data should include an analysis of WHOIS accuracy complaints received by ICANN contractual compliance to identify the subject matter of the complaints. Example, complaints about syntax, operability, or identity. And compare the number of complaints about WHOIS syntax, operability or identity between legacy gTLDs and new gTLDs.

Then the part that I'm questioning is, ICANN should also identify other potential data sources of WHOIS complaints, registrars, registries, ISPs, an attempt to attain ammonized data from these sources.

LAUREEN KAPIN:

Sure, so I can answer that. The reason is that ICANN doesn't track, necessarily, identity complaints, complaints about identity, although they may in the future. And also, ICANN's WHOIS accuracy project isn't, similarly isn't hasn't proceeded on to an identity phase. So, the recommendation to look to other sources is because ICANN isn't going to be, at least at present, a source that actually collects this information.

So, there might be other places that do, and if there are, it would be helpful to have that information. That's what generated that language.

CALVIN BROWNE: Okay, so.... Okay, I think I've got it. Let me just try and restate it so that... Okay. So, we need more information about WHOIS complaints, other than from, then those that come directly to ICANN. And we need to try to reach out from third parties to try and get that information.

LAUREEN KAPIN: Right, and particularly within an eye to identity verification, because we know at least anecdotally, that that is perceived as a big problem in WHOIS, that you may have all of this information, but it may not actually be accurate in terms of telling you who is behind a certain domain. So, this is an attempt to actually get data on that, that goes beyond anecdotal data, to see how prevalent this problem is, if possible.

CALVIN BROWNE: Sure. And we basically had two opposing recommendations, directly opposing, and that was the non-commercial users who say, we should not go there. And of course, the IPC who were saying, go further. So, that kind of threw me. I now that Fabro said, this and I'm not too sure what you're thinking about this.

Well, I've got some idea of what you think about this. You put it down in your document.

FABRO STEIBEL: I was reviewing my comments here, and the only thing that I could add as an additional comment is the intellectual property constituency, when they say that dot feedback example, registration, which we could add, but I'm not sure if we should add, because it's look at the point from a specific point of view, from intellectual property, which might not be the general framework we are trying to frame.

But that will be a parallel, like an accessory comment. Apart from that, I made no specific changes except for, apparently we have support for the recommendation from the group.

CALVIN BROWNE: What I also noticed was that ICANN org are implementing more granular stuff that we asked for, but they had an issue with our request when we used the word identity. And but I didn't... I think the catch was a mistake, because we're only asking them to see if it relates to identity, not to go and actually do identity checking, as I understood it.

LAUREEN KAPIN: Yeah, as I understood it, in prior discussions with the community, a concern has been raised, at least in the context of the WHOIS accuracy project, that to go to an identity validation phase would be very costly. But you're right, we're not asking

that. What we're asking is to take a measure of how big a problem is accuracy about identity by looking to see whether, and to what extent they're complaints about it.

So, to me, it's... We are asking for data, not for, to go through with this identity phase. That's a whole separate issue.

ELEEZA AGOPIAN:

So, if I can jump in here. This is Eleeza. My question, and sort of a comment, I was going back and I remember discussing this as part of the ICANN org input. Are there data sources you would suggest? Because I think that would be helpful, because we don't know of any.

And this is not something that may be easily collectable necessarily from contracted parties, certainly if it's not in their contract. There are all kinds of other issues. So, I guess, part of what the feedback that the organization had, if I'm recalling correctly, that I've read of comments is, maybe some more specificity on where this data, where you think this data may live that is accessible.

LAUREEN KAPIN:

So, I think that's a fair question, and maybe what we can do actually, since we have gotten comments from the intellectual property constituency, is perhaps to ask them for feedback

about where they think this... Well, I mean, you're laughing, but I mean, these are fair questions.

So, if there are data sources, that should be made known, so that we can actually mine them, I think that's fair.

CALVIN BROWNE:

I can just quickly check my other comments if I see there is... Well, I don't want to change the subject. So, I can come back to other comments on the other ones, unless you want to...

[SPEAKER OFF MICROPHONE]

CARLTON SAMUELS:

I had to look at 21, 22, and 23, for the comments. But I think it begins at 20.

LAUREEN KAPIN:

Let's let Calvin close out, and then we'll turn to you, Carlton.

[SPEAKER OFF MICROPHONE]

That was 17. So, are there any other observations or comments about the WHOIS issues that Calvin just raised? Okay. Then, Calvin, for your recommendations, where there any other topics that you want to discuss with the group?

CALVIN BROWNE: The spreadsheet is not the easiest.

[SPEAKER OFF MICROPHONE]

In terms of substance, I don't think there is anything that, other than what I have raised already, that needs to be raised [inaudible]. I know, Fabro, you did, I don't know if I'm missing something.

CARLTON SAMUELS: Yes, Carlton for the record. I had a look at recommendations 21, 22, and 23. But if you step back one to recommendation 20, where the registry operators' framework came up, and the spec 11 situation comes up... Here is what spec 11 says. Spec 11 is the one that says, you must use a registrar that is signed on to third party RAA. You must tell us which parts of your applications, including the public [inaudible] commitments, that you are going to put in your contracts.

And the third one says, the third part says, you have to follow specific public interest commitments. And here is the first one, registry operators will include a provision in the registrar registry agreement, that require registrars to include in their registration agreements a provision prohibiting registered name holders from distributing malware, abusively operating bot nets, phishing, piracy, trademark or copyright infringement,

fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

And providing, consistent with applicable law, and any related procedures, consequences for such activities, including suspension of the domain name. Written bold, right up there. That's what they agreed with. And the question is, well, in 20, what have you done to ensure that you have taken care of this agreement? That is what it says.

And 20 says, we want to know the abuses that are specific to security threats. We want to see what those are. And if you have a registry operation framework, we want to specifically report on those abuses that are security threats. Nothing wrong with that. It's just regular stuff. Spec 11 already compels them to do that.

21 said, for us... 21 says, we want to see, assess whether the abuse reporting mechanisms led to more focused efforts to combat abuse. So, what we are saying is that, presuming there is abuse, and presuming you agree to spec 11, we want you to send us data that makes us, give us an opportunity to see whether or not spec 11 itself, has been useful for combating abuse. That's all it means.

And I don't see why there is a question about that data, because you already laid out in full force. The only question is, how much

of it you should really send back to ICANN? 22 asks the same question, essentially. And we want to see if more effort is needed to combat abuse. So, based on what is reported, whether or not it is incumbent on all of us to find, do other things to combat abuse.

LAUREEN KAPIN:

But more specifically, it's asking about whether we need to publicize these points, right, these points of contact to report abuse better.

CARLTON SAMUELS:

So, that's two points. So, one point is that we want to collect the data, and we want to ensure that we're getting all of the data. So, we want to be sure that the abuse contact points are well publicized, so people know where to go to collect that data. That's the [inaudible] of that complaint.

Out of that, came this requirement that we are... If you look at it, the UK government specifically raised some issues about content with respect to child stuff, child porn online. And I believe that's where the feeding began about content regulation. There is nothing that was said in the recommendation about content regulation.

And that the UK government says we need better information to see what applicable laws are broken, applicable laws are broken, is all part of spec 11. There is no difference. Spec 11 actually compels you to say what laws were broken, if applicable. They're supposed to report that. We're saying, you want to ensure that there is knowledge, widespread knowledge, of where you report abuse.

So, that's where the contact data comes into play. And the push back that we have shifted in our definition of what abuse is, is the problem, for me personally. I don't think we have pushed back. We have changed the definition. I think what we have to offer is a clarity for what we mean by abuse.

And that clarity begins with spec 11, because spec 11 actually details all that is considered abuse.

LAUREEN KAPIN:

I agree with you. I think we need to be very careful in terms of our precision about the way we define abuse for abuse under the contract, and the way abuse is defined, very specifically, and more narrowly, for the purpose of the DNS abuse study. Because we are using the exact same words, and thereby creating confusion.

And maybe for the purposes of the study, perhaps we should consider titling it, technical DNS abuse, or DNS technical abuse, or I mean, Drew, I leave it to you for more thinking about this, because I think you're the one who is most immersed in this. But I observe that it would be helpful to come up with a different term for what we are measuring in our DNS abuse study, so as not to create confusion between that definition and the way we're using DNS abuse to talk about what the contract prohibits.

And maybe we can add that to the action item list, just so we don't lose track of it.

CARLTON SAMUELS:

And I just wanted to add that, so long as the contract accepts picks as enforceable, and within scope for contract compliance, then there is nothing wrong with us for the detailed reporting to see how contract compliance would have responded to reports of abuse. That doesn't mean that we're asking them to show us every single response.

We just want to see what the data says, because that data is compelled in spec 11. That is all it is.

LAUREEN KAPIN:

Thanks, Carlton. Carlos, you had a recommendation you were going to be taking a look at. Did you have any issues?

[SPEAKER OFF MICROPHONE]

I thought it was 35. I'm sorry, it's me. It's 36. So, we already talked about that, you're right. Okay. Go ahead.

CARLOS RAUL GUTIERREZ: What you just said reminds me of the report this morning that, depending upon which kind of abuse you are looking at, the responsible is the registry or the registrar or the registrant. I see a parallel in the way you have to find this. Spec 11 is contract of the agent, while the other type of abuse is an actionable abuse. People who are using the domain name for their purpose.

So, being registrants or abusers of registered domain names. So, I think...

[SPEAKER OFF MICROPHONE]

Exactly. While we have done very specific behavioral studies, more at the registrant level and so on. So, I think to show this difference, that we recognize this difference, might help with the approval by the Board, and so on and so on. That seems to come up more often than before.

JONATHAN ZUCK: This is Jonathan. Speaking of approval by the Board, one of the things we have tomorrow is the ICANN dot org meeting, to go

over their comments, which are some of the most detailed and specific comments. So, I wanted to take the last 10 minutes to kind of strategize about how we want to run that meeting.

[SPEAKER OFF MICROPHONE]

No, no, it's with the...

[SPEAKER OFF MICROPHONE]

ELEEZA AGOPIAN: It's with Akrim, Trey, and Maguy. At nine, I believe.

[SPEAKER OFF MICROPHONE]

JONATHAN ZUCK: So, it's first thing in the morning, in other words. In other words, the time to discuss it is now. Net, net, that's the issue. So, I just wanted to kind of open it up for a little bit of discussion about how you want to handle that meeting. They made a request, not a request, a query as to whether or not we thought we would benefit from a short presentation on their comments.

And I responded that we would. We have an hour with them, but I think that they won't be able to cover things in sufficient detail that you can get away with not reading their comments.

[SPEAKER OFF MICROPHONE]

That's right. And so, I think to make most use of that, what we ought to be trying to do, and this is my opinion that I'll throw out there as a strawman, is treat the session as a Q&A where we are seeking clarity on their comments, not necessarily trying to push back on them, but trying to understand them better, so that, as we try to address those comments, we know that we are understanding their intentions.

So, to me, that's probably the most useful way to use their time. But I welcome pushback on that, you know, because one theory is to try and take a couple of their remarks, and requests, and implement them, to see if it meets their requirement. In other words, they sought clarity on recommendation one. I can try to provide a clear example of that, and see if that causes a lightbulb to go off and they're like, oh, that's great, or you know... Do we do that in a few instances?

So, I just wanted to kind of open that for conversation, because that's the meeting we have first thing tomorrow.

LAUREEN KAPIN:

So, Jonathan, with recommendation one, I do think that your remarks where, you really set forth specifically how you think the recommendation one could be implemented. For every policy recommendation, there should be data collected, it should be measured, and then it should be assessed as to

whether it's goal. That sort of specificity, I would love to see the Board's reaction to that in terms of, does this meet your needs in terms of specificity?

Is this what you're looking for? That would be helpful for, I think, the whole group in terms of any inquiries by the ICANN organization in terms of, we need more clarity. So, I would say yes, that... At least as to... For recommendation one, I would say yes, we should definitely do that. But then...

JONATHAN ZUCK:

Recommendation one is kind of a special case in some ways. So, that's why I asked more generally if others had something where they felt like, based on those comments, either clarification was sufficient, or like your perception is that they misunderstand the recommendation, so how can I clarify it for you? As opposed to, we might not understand your comment, how can you clarify it for us? Right?

Those are sort of the two ways that we can be spending our time, and maybe it's a mix of both...

LAUREEN KAPIN:

I was going to say, I don't see them as mutually exclusive.

JONATHAN ZUCK: They're not at all. Just time, right? It's just time. So, the question is, and if we are going to do the, well, either one of them, it's going to require some preparation by the folks that are responsible for individual recommendations. And so, everyone who has spoken today, I'm going to ask you to take a little bit of time when we're done...

[SPEAKER OFF MICROPHONE]

But spoken on the specific recommendation, to look specifically at their comments on that, and come prepared either with a clarification for them, or a clarification you need from them. So that we can get a chance to see whether or not we're meeting their objectives through our own clarifications, and also make sure that we understand the comments they are making.

LAUREEN KAPIN: But I would also add, because we've really focused a lot on safeguards and only a bit on competition issues, it is our chance to speak with the ICANN organization on both sets. So, even if you haven't spoken today, because we've been focusing on safeguards and trust rather than competition, competition folks, this is your chance also.

So, you should be looking at your recommendations as well.

JONATHAN ZUCK: Who here is on the competition sub-team? Okay. So, let me echo, because we're missing Jordyn and Stan tomorrow, but if there were specific areas that you, and Megan.

[SPEAKER OFF MICROPHONE]

Trying to get the floor, okay. I do, I got derailed by Laureen. It's Laureen's fault. I was just about to call on you when she just charged the microphone. Did you see her? She like ran across the room and went... Megan, please speak.

MEGAN: So, it's Megan. Just to concentrate and clarify the discussion tomorrow. And this shouldn't take more than five minutes from someone who has a good computer. Can the staff prepare for us the recommendations on the left-hand side, and the ICANN comments on the right-hand side? ICANN specific, so that we are all looking at the same document?

JONATHAN ZUCK: Well, it's already a row in each recommendation in the spreadsheet.

MEGAN: Yeah. But the problem is, we have every single recommendation, and at least in the case of the ones that I

looked at, and then every single comment from every single person on that recommendation. All I'm suggesting is that, for those recommendations where ICANN specifically has commented, because I have some where ICANN hasn't commented on, for example, can we just have one document with the recommendation and then the ICANN comment?

So that tomorrow, when we're talking about the specific ICANN comments, we're all be looking at the same dance card, if you follow me. That will concentrate us, because it's very difficult unless you have one document in front of you. It's just a question of adjusting the data for tomorrow, that's all.

ELEEZA AGOPIAN: If I may, that's how the comment itself is structured. It's by recommendation.

MEGAN: The comments that I have, the document I have, has every single...

JONATHAN ZUCK: No, no, the comment from ICANN org. If you go back and read that, it is structured by recommendation.

MEGAN: So, we'll just look at the comment for... Because the spreadsheet I have has every recommendation. The ICANN one itself, okay.

ELEEZA AGOPIAN: Which was sent to your list. If you'd like, I can just send it again to the list, so you have the PDF right at the top of your inbox. I'll do that.

[SPEAKER OFF MICROPHONE]

JONATHAN ZUCK: Yeah. Everyone should read that document in preparation for the meeting tomorrow.

[SPEAKER OFF MICROPHONE]

Yes, that's the one we're talking about.

[SPEAKER OFF MICROPHONE]

CARLTON SAMUELS: Sorry about that. It contextualizes the comments with the recommendation. It was easy for me to follow. It also gave me an opportunity to look at and see what others were saying. And it was very easy for me to quickly decide what was significant in

the list of comments. So, I would just look at that, and call the ICANN ones green. And go through.

[SPEAKER OFF MICROPHONE]

LAUREEN KAPIN:

Two responses. One, I totally agree with Carlton. Staff did a great job with the spreadsheet. All of my railing against the spreadsheet is because Excel itself is not user friendly, but that should not take away from the great organizational tool they created for us.

But second, I would say, do not use the spreadsheet for tomorrow. Tomorrow we are only focusing on... I mean, do not use the spreadsheet for our discussion with ICANN tomorrow. Use the comment itself that is going to be the most user friendly and cohesive thing to read.

Yeah, but it's still going to give you a lot more information in amore digestible and comprehensive format than color coding the Excel spreadsheet, which I think would take more time then it would be worth. You could just read the comment.

And for my sub-team, you already have your assignments. So, every one of you, you have recommendations your discussion leads for. I'm expecting you, if ICANN mentions your recommendation, that you are going to have looked at the

ICANN organization's public comment, and scoured it for any lack of clarity, or any issues that you think are important.

So, you can bring them up in a meeting tomorrow. And I will be personally disappointed if you do not do that. I'm using moral persuasion.

[END OF TRANSCRIPTION]