

---

JOHANNESBURG – Competition, Consumer Choice, Consumer Trust Review Team Meeting - Day 2

Sunday, June 25, 2017 - 00:00 to 00:00 JNB

ICANN59 | Johannesburg, South Africa

UNIDENTIFIED FEMALE: June 25<sup>th</sup>, 2017. 9:00 a.m. to 5:30 p.m. Competition, Consumer Choice, Consumer Trust Review Team Day 2, Committee Room 2.

JONATHAN ZUCK: Good morning, everyone. The recording started, right? Welcome to the second day of the Johannesburg face-to-face for the CCT Review. We had a productive day yesterday going over the public comments at a high level and coming up with a framework for responding to them that will happen in the subteams.

We have some guest speakers today. It's very exciting whenever we get guests because we get to see a lot of each other. It's always good to bring fresh blood in the water. Welcome.

I'll begin by saying we all really appreciate the comments that came from ICANN.org. We thought that they were very well-constructed and thoughtful and gave us a lot of food for thought. Thank you for those. We're excited to engage with you on them and get to a point of resolution with them so that we're producing recommendations that the organization feels are implementable.

Without further ado, I will hand the microphone over to you, Akram.

---

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

---

AKRAM ATALLAH:

Thank you, Jonathan. Thank you all for having us here. Thank you for your hard work. I know this hasn't been easy on you guys. We appreciate the thoughtfulness of the report.

I think I'll just summarize in a few words what we tried to do. We tried to look at the struggles that you've had with availability of data. We thought that maybe there were some areas where the struggles in finding data that could help you do your things have translated into some brainstorming on: "Maybe if we get this data," or, "Maybe if we get this data." So we tried to bucket-ize these things in a better way for us to actually implement and look at all of them. Our recommendations were mostly focused on how we could streamline and work together on what's feasible and what will actually get you what you are looking for in the easiest way and in the most possible or likely way. So that's what we focused our recommendations on.

One of the thoughts that I have is that it's sad that we can't get you what you want for your report to be better, but at least maybe we can get you what you want for the next round of reports. We'll have some time and hopefully we'll be able to get the information that you're looking for.

Overall, I think it was very thoughtful. It was a very well-constructed report. If we can agree on certain things that meet what you need and streamline it and make it more predictable on what work we need to do, it could actually benefit both of us – getting the data earlier – so that the community can see it all and not have to wait for the next round and all of that but maybe find ways to get data now that

---

everybody can look at and also meet the needs for the next round as well.

With that, I'm going to give the mic to Trang to talk a little bit about the report itself. Also, I don't know how you want to structure these sessions. Do you want us to actually do more Q&A? How do you want to do that? That'd be helpful.

JOANTHAN ZUCK:

Thanks. We see two things that are worthwhile exercises. One is to, in certain instances, try to address some of your questions to see if our thinking matches what your intentions were. The other is to seek some clarification on some of the things. So it's a bidirectional Q&A for most of the session, probably.

TRANG NGUYEN:

Thanks, Jonathan. I'll just spend a couple minutes maybe just summarizing at a high level the assessment that we did in some of areas that we wanted to highlight for you. Then we can open it up for Q&A.

Our main goal of providing the input that we provided in the assessment really is to help inform your continued discussions as you finalize your recommendations here. To that extent, we tried to provide for you the potential implementation paths of the recommendations and also the costs and direct resources that would be needed to support the effort and the implementation timeframe, as

---

well as highlight any other potential impact on the implementation work.

The highlight is that what we found in looking at the recommendations is that they're all implementable and within the timeframe that the CCT RT specified. In the assessment, we also did highlight several areas where we are asking for additional clarification and guidance, and that's to ensure that our implementation is in adherence to the intent of the recommendations.

In a couple of instances, there were possible alternative implementations for the recommendations, so we also provided that in order to inform your discussions. Throughout the assessment, we highlighted the work that Contractual Compliance is doing because a lot of that work is being done to address requests and comments from other parts of the community. It does have a tie to some of right requirements in your recommendations, so we provided the status of that work.

Some of the more specific areas where we had asked for additional guidance on includes where the recommendations are directed to multiple stakeholders, which parts of the recommendations are directed towards ICANN org, and which parts of the recommendations are directed towards other stakeholders. We just needed to know that better so that we'd know what's expected of us and what we need to do.

As Akram said, we bundled some of the recommendations for implementation purposes. When we did that, what happens is that the

---

recommendations in each bundle may end up having different priorities. Even though we can implement all of the recommendations in the bundle under the highest priority, you may want to take a look at that and see if that still makes sense and provide us with any further guidance.

Also, for implementation purposes, the intended use of the data. In a lot of instances, the recommendation asks for certain data to be collected. It would be helpful to understand for what purpose the data would be used for and by whom so that, when we go to analyze the data, the appropriate analyses can be done and the work is useful to whoever ultimately is going to be using the information.

There were a lot of recommendations that seemed to overlap with existing effort – or the implementation of which may overlap with other existing efforts, particularly the gTLD marketplace index and potentially also the Open Data Initiative. It'd be helpful to understand how the CCT RT sees the recommendations aligning or not aligning with those efforts so that, as we go to implement, we know what to do in the appropriate places.

Obviously, we highlighted for you the challenges around collection of certain data from contracted parties. I think that's something that you've seen in the past. It's something that we're probably going to be faced with as well as we continue to go and try to do that to implement these recommendations. I think there's a few recommendations that ask for contract amendments. Of course, that's

---

not something ICANN can do unilaterally. It would require some negotiations and discussions with contracted parties.

So I think at the high level those are the key points from our assessment. Thank you.

JONATHAN ZUCK:

Thanks a lot. There was obviously a lot to digest in your comments. Thank you for that overview.

I think at a very high level we're aligned with you with not creating duplicative efforts. Finding the areas of overlap we think is a very high priority. It's somewhat ironic that the marketplace index is now being viewed as a duplicative effort because we talked about it as a duplicative effort a year-and-a-half ago. We had a pretty extensive conversation – I think Steve DelBianco was there, too – on the idea of: “Let's just hold up the marketplace index so that we could be a feeder for it.”

One of the difficulties with the marketplace index in particular is that it's in some respects a data without a model in its current construction. We've had the benefit of participation of an economist on our review team, where we've approached some things like competition with a little bit more sophistication because of a model behind it using things like market concentration rather than just absolute numbers of registries and registrars, etc., which was some of the metrics that we came up with and that I was responsible ultimately for coming up with in a working group a number of years

---

ago that we didn't end up using as much as we thought we would in this group. Some of those became the marketplace index.

I think, at a high level, our preference would be to view the marketplace index through the lens of the CCT Review rather than the other way around, if that makes sense. So certainly view them as complementary efforts. I think everyone on the team is united in the notion that having something like those marketplace indicators – it's not an index anymore – as an ongoing set of available data is very compatible with our intentions. So see those as overlapping. It's just a question of which is the vector to the other, if that makes sense.

I'm one of the volunteers on the Marketplace Indicators Team, so that integration I think is certainly going to be part of the implementation of these recommendations because no one has any interest in seeing duplicative efforts.

That is a segue to one of the first things that I wanted to talk about because it was my assignment, so to speak, within the group: to talk about Recommendation #1, which was somewhat amorphous, I realized. So the question was how best to re-represent it. I wanted to take a shot at that and see what your thoughts were on it. It's been through a little bit of modification over time because it first was constructed in fairly specific and prescriptive. Jamie was saying, "Put your intention out there rather than the prescription so that the organization can best implement the intention," if that make sense. It could be that what happened is the intention got lost in translation in trying to take some of the prescriptive nature out of it.

---

It is a reaction to this notion of there being a kind of perennial issue with availability of data for research. It comes up. It's in the footnotes of all the studies that get done by third parties. We're finding it, etc. It's this notion of taking data out of the kind of reactive stage that it's in now, which is a really important advancement in the organization. The organization that Eleeza and Brian are part of I think has become invaluable to the organization as a whole and particularly invaluable to us.

But at the same time, it's a kind of a community-driven "Hey, if we need this data, then can you go try to find it? Can you hire someone to go get it?" While I find that's important, I think that what is critical for the organization is to treat data proactively so that every initiative, whether it's launched through a policy development process or through the strategic plan or something like that, starts and is viewed through a data-based lens, if you will, the notion being that, if there's some initiative that's on the books, whether it's through the strategic plan or policy, there's at least an attempt to define the problem via data, to define success factors for the proposed recommendations using the same data, and to define a period of re-review, if you will, to see if those indicators are moving in the direction that were hoped, either by the community or by ICANN.org, as a measure of the success of those initiatives and the possibility of course-correcting if they're not succeeding.

So the idea is to put someone, something, some entity, etc., at a high enough level within the organization that a proactive insertion of data happens whenever these initiatives come to pass because then a



---

Review Team can actually just look at: “Oh, here were the intentions. Here’s what was attempted to do it. Here’s what the outcome was.” There’ll be much less the sort of after-the-fact “What data can we go find from the period before?” etc., because the initiatives themselves will have data collected associated with them.

I think that empowering either an organization or a person with that initiative also helps with the implementation and the overlap issues, etc., that you raise. You can say, “Oh, this is happening and this is happening. These two could be combined and made more efficient in this way.”

There’s a lot of data stuff happening at ICANN now which is very exciting to me because I’ve mentioned it once or twice in the last ten years. But at the same time, it’s a lot of stuff all over the place, and I think there’s a great chance of duplication and yet, at the same, whole gaps. So you have both overlap and gaps that result from a lot of independent data initiatives.

So making that something that’s sort of an organizational overall initiative I think is what we intended by Recommendation #1. We said, “Hey, you should hire data scientists.” Well, I don’t know if that’s the answer, but I think it’s about making that process at a high enough level in the organization and proactive within the organization. That was our intention because we think it’ll make not only the efforts of the future CCT Reviews but all reviews easier and policy development a little bit more rigorous, instead of, “Hey, let’s try this.” If we come up with an idea that we’re going to hire three more people to work on

---

Project X and then a year later say, “Well, we succeeded in hiring three more people,” or, “We succeeded in opening three more engagement centers,” or something, those are not the benchmarks we need to be looking at. We need to take a step back and say, “Why are we opening engagement centers? What is it we want to accomplish with them?” and track that data instead. That would be the *raison d’etre*, if you will, for Recommendation #1.

I’d love to hear – I know you’re on the spot – whether that makes more sense than what we wrote, if I wrote it down. That’s why I wanted to try to trot that out.

Yes, sir?

CARLOS GUTIERREZ:

Thank you. I would just like to add to Recommendation #1 that the elements that each should be internal and permanent, particularly in the case of pricing data. We’re talking here about time series. We’re not talking about samples or, once in a while, studies by outside consultants. We think that there is some data where the sole source should be ICANN and not a third party or a study. So we can go a little more in detail if we have the time for Recommendations #2 through #8 or so, I think. This kind of data – raw data, not indices – is very valuable. It can be kept private, which is one of the worries we have from the community. It’s very valuable for some econometric studies. Thank you very much.

---

AKRAM ATALLAH:

If I may, Jonathan, I think I understand your perspective: just gathering data for the sake of gathering data is not an end by itself. We should be able to gather data for an outcome and be able to use that data to represent something and not just throw data at the problem. We understand that and that's why we were looking more for the intention of the data, so that we can understand what the outcome is you're looking for. If that's the outcome you're looking for, maybe we backtrack and say, "Okay. We can get this data," or, "Maybe we can't get this data, but does this data meet that outcome?" so we can actually do some triage on what's feasible, what's not, and still and meet the outcome that you're looking for. So I think we're on the same track on that issue.

The only caveat I would put is that we are afraid of pricing data as ICANN because we're not a competition authority. Pricing is very sensitive. It's a competitive edge for the contracted parties, and they don't like to show even their practices, even in the past. Like when you look at the company and you say, "Give me your pricing data," and you look at it from last year – what did they do? – you can see trends. "Oh, they do promotions," they [inaudible] the spirit of time." These are all strategic, competitive issues. So we want to be careful about that. We want to make sure that whatever we get and however we get it is presented in a way that's not anti-competitive. So that's the biggest concern that we have: pricing data.

But we understand the need. We also don't want to get you data that's meaningless because you know that all of them have almost what we call in the U.S. the best recommended price, which is never the price

---

you buy it. It's just the price that's on the sticker. If that's what we get, that doesn't tell us anything because a lot of their practices also are: they set a price and then they make a whole set of discounts and offers and things that are underneath that price. So what are we going to get, and for how long is this price available? Who gets it? What are the conditions for getting that price? These are all things that complicate the pricing information, but understand what you're trying to get to. We're going to be very thoughtful about trying to get to it.

If we understand the end goal, we might be able to try to sift through a lot of these noise factors within the data and try to get you what you need.

I hope that explains our thinking a little bit more. Thanks.

JONATHAN ZUCK:

Thanks, Akram. Carlos, I want to take you back to Recommendation 1 if I can for just a second, which again addresses this because, at the same time we don't want data without purpose, we also don't want policy without purpose or reforms without purpose, whatever the case may be. Again, this is why we think this idea of proactive data collection and data identification for both policy objectives and strategic objectives is important.

I just wanted to make sure that that point got across because we jumped ahead to the collection of specific data, for which there will indefinitely be complications, etc. So the question is: can we insert an entity or raise an entity to a status that it's empowered for the ongoing

---

collection of whatever data is collectible in whatever form it's collectible that's most relevant to whatever initiative in on the table? That's Recommendation #1.

Are you talking about Recommendation #1? Because I don't want to get derailed again if we can –

CARLOS GUTIERREZ: [inaudible]

JONATHAN ZUCK: Okay. Go ahead.

CARLOS GUTIERREZ: I talked about #1. I didn't get derailed. I said the elements [are] internal and permanent. Sorry.

CARLTON SAMUELS: I'm curious. There are a couple of things. The Affirmation of Commitments: I can agree to promote competition. It also compels ongoing reviews to see that these goals that you committed to are met. So I'm asking, in your promotion of competition, do you believe that there's some data that is absolutely critical to know if there's competition in the market? I would like to know where you see that data set, especially surrounding competition which you're committing to promoting and committing to reviewing periodically. That would be interesting to hear: what your take on that is.

AKRAM ATALLAH: Carlton, when I say we're not a competition authority, it's exactly that. I wouldn't want to give my opinion on how to make competition happen and how to assess competition. If the organization was to do something like this, we would hire a competition authority or experts to actually provide us with this information. So that's what we will do. When you get us to implement things, we're going to have to go look at all of these things and say, "What can we provide? What should we provide? What can't we provide?" So we're going to have to have some experts in the field that can give us this kind of information. But I'm not the expert in that.

LAUREEN KAPIN: I'm interested in your reaction to Jonathan's discussion of the difference between a reactive approach, which is currently I think what is happening – and certainly the support we've gotten from your great team with Eleeza and Brian and others has been very much "We have something we want, and then we'll get it." That is a very different approach though, then what Jonathan has just described in terms of having a high-level organization that is thinking about "For every initiative, what is the objective? How is that measured?" and then an assessment based on data of whether those goals have been met.

I'm curious about your reaction to that because I think that is really Jonathan's clarification of Recommendation 1; that it's not just "hire a data scientist. It is a change in mindset between reactive – "We have an issue. Give us the data" – versus "Okay. For every initiative, we are

---

engaging in ‘I want to know from my high-level, powerful office what the objective is. What data should be gathered?’ – and then a year later – ‘Has that objective been met for this initiative?’” That’s a very different approach and I’m curious about your reaction to that.

AKRAM ATALLAH: You’re putting me on the spot because I haven’t really thought about this before.

LAUREEN KAPIN: No, and I’m sorry.

AKRAM ATALLAH: It’s okay. It’s a good discussion, actually. The question that comes to my mind is in the way that ICANN is constructed today, we get more things from the bottom up, which means the review is done by the community. The community says, “Oh, we need to have this. We need to have that.” Then we go and execute on these things.

Now, that doesn’t actually mean that maybe we should be thinking about “proactively,” like you’re saying. We have this competition role that we need to promote. Shouldn’t we actually do proactively some studies and some things ahead of time to say, “Okay. These are the factors that measure this market’s competitive landscape”? That’s what we were trying to do with the market index: to start this kind of discussion.

---

So I think we're on the same wavelength. We just want to make sure that we're not doing what the community should be doing and we are staying within our remit but actually getting the results that you want proactively. Then of course there's always going to be improvement that could be done reactively, but maybe we need to start shaping up something that you can come and say, "Okay. You're missing this. You're missing that." Then these kind of reviews become a lot more surgical than actually "Oh, you're not doing anything on this. When are you going to do something about it?"

So I agree with the statement that we need to focus on it more from a global view and say, "How do we become more of a data-driven organization so that our decisions are based on the right metrics and all of that?" This is the kind direction we're trying to go in. At the same time, we understand that it's never going to be perfect and there's always going to be good input that you can give us so that we can improve things. If that answers your question.

LAUREEN KAPIN:

Yeah. I very much appreciate you letting us put you on the spot. And you can put us on the spot also. That's the two-way exchange here.

I do want to make clear that I don't think anyone on the Review Team sees this recommendation as in any way diminishing ICANN's bottom-up, multi-stakeholder approach. I think it really is more of a recalibration. Because there are so many different stakeholders, so many different perspectives, resulting in so many different work streams, I think we see this recommendation as assisting in organizing



---

and bringing more discipline to the multiple efforts that are taking place, with an emphasis on having these groups define their goal and then having ICANN really measure whether that goal has been met.

Unless there is an organizational position to impose that discipline, many times it doesn't get done because stakeholders – all of us – we have our distinct perspectives and we're representing the folks that we are affiliated with. That is one slice of the pie. But the organization should be looking at the entire pie, not just that one slice. I think that we're perceiving this role as someone who can take a big-picture look and make sure that it's not just a lot of work streams that may duplicate each other, that may run in different directions without ever asking the questions: what is the goal? Has that been met? And how is that working with everything else that's going on? Which mirrors, actually, a lot of the feedback you've given us. How are your recommendations synching up with all these other efforts?

I just wanted to make those clarifications.

JONATHAN ZUCK:

Thanks. I won't beat a dead horse any longer on Recommendation 1, but we'll try to reconstruct it in a way that make sense. It's not just policy. It's also organizational initiatives as well that could benefit.

One of the examples that we've had here had to do with the issue of parking. It's a classic policy development thing, where there was this initiative that we need to do something about the parking problem. Then we looked harder at what the parking problem actually was and

---

couldn't find one. There was a lot of parking going on, but all of our theories about why that might be anti-competitive didn't bear out. It's data that facilitated that conversation.

So it's questions like that. It's about helping to guide the community and the organization into a more data-driven problem identification and then success measures as well. So that's Recommendation #1.

I don't think that we have the Competition Team of Jordyn and Stan on some of the specific things related to pricing, etc. Stan has written a paper that I'll get to you as well that's on this issue that I touched on briefly with respect to the differences between the kind of calculations we're doing and the ones that they're doing in the marketplace health indicators, etc., that I think help to suggest that we agree that there's this integration that needs to happen. But it should come the other direction if possible.

Do you want to start with your folks on the trust side and the compliance issues and take it from here?

LAUREEN KAPIN:

Sure. I wanted to start off on your comments on Recommendations 9, 11, 15, and 26. I don't think your comment has page numbers. Otherwise I would reference the page number for you. But it's for Recommendations 9, 11, 15, 26, and 33.

Collectively these recommendations are for better understanding of registrants' preferences for particular TLDs, motivations for choosing TLDs, familiarity and trust, etc. You asked the question, saying,

---

“Although data for registrants’ preferences can provide insight into choice and trust, it’s unclear how registrants’ preferences for particular TLDs inform the extent to which the expansion of gTLDs have promoted competition, consumer trust, and consumer choice.” I wanted to answer that question for you, thereby keeping my promise that it’s a two-way conversation. I’ll be answering some of your questions.

The recommendations focused on consumer trust of those that you’ve referenced. That’s really based on the Nielsen survey, which indicated that the public trusts new gTLDs far less than legacy gTLDs. Therefore, these recommendations really are trying to gather more information about why consumers prefer/trust/visit certain gTLDs more than others. So it really relates directly to the Nielsen survey findings.

If we are going to be promoting trust in the DNS overall and the new gTLDs in particular, we need to understand what makes consumers trust gTLDs. That’s a thorny concept. It’s been challenging for us. But that’s what these recommendations are focused at. So I did want to answer the question you raised.

Then I had a response and some questions about your suggestion that we look at the overlapping initiative, the marketplace index. Jonathan addressed this already a bit, but I did want to point out, with the caveat that I’m not an expert on the marketplace index – I haven’t been involved; I’m a newcomer, so I just tried to look at some information you had available – that certainly the metrics you have available now on trust for the marketplace index are quite, quite

---

limited. They really focus on particular WHOIS accuracy issues, involuntary registrar terminations, and the number of UDRP URS decisions.

From our perspective and the things that we've looked at, that is a tiny slice of what would be a lot more issues that go to trust. We would say, "If there would be any consolidation, there would need to be an opportunity to revisit and significantly expand those factors." I'm not sure how that syncs up with the timing of the committee, which looks like it had already identified metrics and is on its way to the 1.0 version in 2017. I don't know how that works from a mechanical level for us to burst into an ongoing initiative that already has done work, defined metrics, and has published papers. So just from a technical basis, I don't know how that syncs up.

But I do have a concern that the metrics for trust are inadequate at this point. That's not a judgment. It's more that they haven't had the benefit of all the thinking and back and forth that we've had based on our Review Team activities.

So I just wanted to make those comments and answer that question you had. I would be interested in a response to that if you would like to respond. I want to give you that opportunity.

[TRANG NGUYEN]:

Thank you for the clarification. No, that's clear.

---

LAUREEN KAPIN: Not wanting to hog the microphone, I'm going to invite my team members to raise issues that they have based on the ICANN organization input.

DREW BAGLEY: Hi. We do not have a page number, but on your input with regard to several of the items related to DNS abuse, I wanted to give some feedback on that. In particular, I'm looking at what might be about page 10. It's where you're commenting on Recommendations 19, 30, and 34.

There, as far as where the concern is articulated and then a few different potential paths forward – first of all, with regard to the DNS abuse reporting tools and that new initiative, we looked into using this data a year ago, and then we looked even more recently than that. And I've had several conversations with Dave Piscitello over the year. This tool definitely seems like a very useful tool and would a very useful analytical tool in many ways, due in large part to, one, the fact that, for purposes of our current study, there was no historical data available on it, and secondly, the fact that, due to the licensing restrictions, we could not use the data in any sort of meaningful way. Even from what I've seen in Dave's most recent presentations on this tool, as far as the community in general getting access to it, he cites in his presentations the licensing restrictions.

Therefore, without some drastic change in that, I really don't see this at all replacing the need for an outside vendor or some other means to collect data to do ongoing DNS abuse research.

---

Similarly, I know that, with this tool, even on a functional level, it was not able to export the reports, even if the licensing had permitted it, that we needed to carry out this analysis in such a large, wide scale.

With that said, I think that would be terrific if that could be also included to the extent permitted by licensing in future studies and in ongoing DNS abuse studies. So I wanted to point that out.

I also wanted to point out that whatever costs are predicted for doing another DNS Abuse study or doing these regularly I would anticipate would be much less than this first time around because there would no longer be the need for the years' worth of historical data. From here on out, if ICANN was either continuing their contract with their current vendor or, on its own, was able to better provide data that ICANN actually has, such as daily zone files and daily WHOIS data, then I really think you could reduce the cost drastically because, if you have the zone file data from where the current study leaves off and the WHOIS data, then you're really getting the malicious abuse feeds and then paying for, of course, the analysis itself. But I think that the costs could be drastically reduced, and this could be an ongoing thing that really doesn't cost that much and could feed, going back to Jonathan's point earlier, a variety of initiatives going on at ICANN. That's why I think this is not only good for future Review Teams like ours, or even the implementation of our overall recommendations, but also this is going to help with a lot of other initiatives, too.

I think you posed a question about what we meant about suggesting in our recommendation that such abuse data is correlated to different

---

aspects of new gTLDs and TLDs in general. There was a question about what we meant about registration restrictions.

The reason why we have this recommendation is because the Nielsen survey revealed that consumers seemed to trust domain names more if they believed that there are registration restrictions, where not just anyone could go ahead potentially with bogus credentials or register a domain that's completely unrelated to what the domain purports to stand for, like .bank but they're not a bank, and so on. So we're talking about them very broadly and all the different ways that registration restrictions exist in new gTLDs, whether it's a geographical one or whether it's via license or community or something else. We just find that that would be very useful data because of this correlation between perceived trust and to see if that trust is actually warranted.

CARLTON SAMUELS:

This concerns the recommendations [inaudible] 21, 22, 24, 25, 26, 27, 28, 29, 30, and 32. You bundled together. That's a good thing.

I'm just going back to Spec 11. With the Registry Agreement Spec 11, you have requirements that, A) you must use the 2013 RAA accredited registrar. The third part of it says that the Registry and the Registrar Agreement compels registries/registrar – that duo – to certain things, botnets managing all kinds of DNS abuse. The idea is that, if you compel them in contract to make sure [of] those, you need to have the data to see that that is actually happening.

---

If you look at all of that data, it's about Spec 11. You have a contract that says you have compliance reporting. The idea is that, if you have to hold the registries accountable to sending you the data, that ensures that there's compliance with that contract. All of those about botnets. You want to know who, why, when, and how. That's as simple as I can make it.

If you look at Spec 11 and see that the universe of things you're asking for from the registry, then you will see why that data is important to ensure that they're compliant with those things. That data is very important to understanding that the safeguards are being maintained between the registry/registrars duo. That's as simple as that.

LAUREEN KAPIN:

I'm always glad that Maguy is here because at least today I also have a particular question based on one of your responses. This is regarding Recommendations 24, 25, 26, through 32, and that's on page 2, 4, 6, 8, 10, and 12. Thank you. My recommendation is for page numbers. I'll make that recommendation.

You ask about our Recommendation 25, which refers to conducting a study on highly-regulated gTLDs to understand the steps that are taken to establish a relationship with working bodies. You make the suggestion based on the reflection that we actually audit companies to assess whether they've met this obligation. "Can an audit meet the requirements of this recommendation, or is a study required?" which is a very fair question which made me wonder what information is collected in the audit, and would you be able to share that



---

information? Because my understanding – although I’m not sure it’s accurate – is that your audit results are typically confidential, not necessarily disclosed to the community at wide. So that’s what this recommendation raised questions in my mind about. I thought maybe you could speak to that.

MAGUY SERAD:

Thank you, Laureen. Just to make sure I understand what your recommendation is, you’re interested in the audit results specific to this?

LAUREEN KAPIN:

No. Our recommendation is interested in studying what steps registries are taking to establish working relationships with government or industry bodies because that’s one of the requirements of their contract. Clearly, a different part of the ICANN organization said, “Well, we audit this. ICANN already audits that. Maybe you don’t need to a study. Maybe you can rely on the audit.”

So my question is: what information do you collection to figure out whether they’re complying with this requirement in the audit? And would you be willing to share that information? Because that’s the information we want. It raised the issue in my mind about challenges because of confidentiality. So it’s not our recommendation to get the results of the audit. It’s actually your – the ICANN organization’s – response. I’m wondering about that response.

---

MAGUY SERAD: At a high level, the test plan for that specific audit question is asking them: how do you go about it and what do you do, and what are the different steps? I can take a look at how ICANN aggregates the results or the outcomes of the steps taken to address this. Is that what you're looking for?

LAUREEN KAPIN: I see Calvin has his hand up. I would be interested in talking more about that and aggregated information. We don't need to know identities. We're interested in the substance. How are registries complying with this? So that sounds promising.

MAGUY SERAD: Okay.

LAUREEN KAPIN: Calvin?

CALVIN BROWNE: Hi. I think having insight into the audit methodology is what Laureen is asking for. It'd help us as well.

MAGUY SERAD: I'm happy to... lessons on audit methodology we have. On the audit program page, we publish as much as possible. We have a lot of information there. I think that's back to the original comments.

---

There's a lot of data. The audit methodology, the timeline, and even the audit steps by contract is published.

Calvin, the other thing we do – for example, today, based on the clarification and understanding of what you're looking for Question 25 – is publish a PowerPoint presentation that's a guide for every area of compliance that we work with. I'll take it as an action item to go and update that what are some of the steps and how is that done? The audit methodology, Calvin, is all there. I'm happy to take it offline to share with you or even take your feedback if it needs further clarification. It's a page that's in continuous updates based on input I receive from different community members.

WAUDO SIGANGA:

Just following on that, I'm not clear. You said you published the methodology. What about the results? Even if in an anonymized way, are they available to anybody who wants to find out whether these people are following what's in the agreement?

MAGUY SERAD:

Yes, Waudo. At the closure of every audit we conduct, there is an audit report that describes the scope, that describes the phases, the methodology it went through. It lists every contracted party that was in the scope of the audit.

Now, the only naming – the call it name and shame – happens if there is a breach of the contract and a notice of breach has been issued or a type of enforcement that has been conducted to a contracted party.

---

That is the name-and-shame we provide. So we publish everything in an annual report. Please take a look at it and let me know if you have very specific questions. I'm happy to answer them. It's published on the reports pages. Also on the audits page you will see the reports link that takes you there.

WAUDO SIGANGA: Maybe a specific one. In cases whereby there could be misunderstandings between competing industry or professional bodies when it comes to running these top TLDs, would that also be reflected in your report?

MAGUY SERAD: I'm sorry. I do not understand the question. If it's in the contracts, we audit it. If it's not in the contract, we cannot audit.

WAUDO SIGANGA: What I mean is that, in Recommendation 25 – “conducting is highly [inaudible] new gTLDs to understand the steps registries are taking to establish working relationships with relevant government or industry bodies.” So I just wanted to find out, in the case where we have gTLDs dealing with industry or professional bodies and there are several of them and they're not together, would that come out in your reports?

I've seen specific instances where, with new TLDs, there's no agreement within the industry about who's really representing that industry or where some players or stakeholders within that industry

---

feel that the organization of the TLDs is such that some stakeholders are left out.

MAGUY SERAD:

The specific result is not in the audit, in the results, unless the registry operator in the specific instance is not providing their information to ICANN. Then we breach them for not doing so. But we don't publish in there the information you're asking for. It wouldn't [be].

LAUREEN KAPIN:

Maguy, I have a question that's also on the same page, regarding Recommendation 28. At the bottom of the page, the second bullet talks about the ICANN organization updating its registrar audit [client] to include a test for compliance with highly-regulated TLDs, requirements for registrations; particularly whether the restrictions regarding possessing the necessary credentials are being enforced. Can you give us more information about that?

MAGUY SERAD:

Thank you, Lauren. Yes. The audit plan is continuously evolving. As we expand in the TLD space and we find that TLDs are delivering services in these spaces, we add audit plans and test plans to augment it and conduct this. So we're still in the phase of designing that test phase. It's not completed. For example, if you've been keeping up with our newsletter, this current audit for the registry – the 22 TLDs – is inclusive of safeguards, a category 1. Now we are in the process of

---

planning another round that's going to complete all the rest that qualify for that.

We plan our criteria and our audit based on the environment but also the services and the readiness of the TLDs. Sometimes TLDs sign a contract, they delegate it, but there's not services done yet. So we prioritize because you cannot audit everybody every time.

So this specific test case we're still planning it, and I'm happy to provide an update at the next ICANN meeting, or if you want, a follow-up in an e-mail. I'm happy to do that.

LAUREEN KAPIN:

Yeah. That's very helpful. I appreciate that. I'm just curious as to this one in particular. Do you consult with stakeholder groups to identify their concerns when you're figuring out how to design the audit, or is more of an internal assessment? This one is something that has received a lot of attention. So I'm just curious from a process point of view how you figure out your design.

MAGUY SERAD:

It does start internally by truly assessing the contractual provision or policy if applicable. Also, that internal discussion expands to what we're seeing in the environment, whether it's blogs, studies, or media. It focuses there. Sometimes it may expand to stakeholder discussions, like when we are sitting with the Public Safety Working Group or when we are sitting with the CCT Review Team or with ALAC. We take notes of the different concerns we hear and the opportunities, as I like to call

---

them – not issues – and then we go back to see how we can include that.

The first question we ask always is: is it in scope of the contract? Because the last thing we want is to set an expectation that we're going to be doing it and then it's not in scope. So that's always the first step we take. Then we do all the other steps.

JONATHAN ZUCK: I think we're going to lose you guys soon –

MAGUY SERAD: I'm with you all day, man.

JONATHAN ZUCK: You are? Awesome.

MAGUY SERAD: I was here yesterday.

LAUREEN KAPIN: That's right. Our stalwart supporter.

JONATHAN ZUCK: So we can come back to that case study we talked about yesterday –

MAGUY SERAD: I've got [inaudible]

---

JONATHAN ZUCK: Okay. So we lose Trang very soon, though – I think at 10:15. Are there other issues that you wanted to get feedback from the group on while you had them face-to-face and things like that so we make sure that – because I think we agree with a number of the things we’re talking about in terms of consolidation, and we will look at doing the reprioritization based on the consolidation and trying to clarify the things that you asked for clarification on. I don’t know whether it makes sense for us to go point by point and say, “Yes, we’ll do this.” So if there’s higher-level issues, then let’s make sure we cover them. That’s all.

TRANG NGUYEN: Thanks, Jonathan. No, I think that captures it in terms of high-level issues, which I highlighted at the beginning. I think there’s very specific questions that you can take a look at and provide a response where you can. So I think we captured most of the major, high-level ones at the beginning.

JONATHAN ZUCK: Okay.

TRANG NGUYEN: Thank you.



---

WAUDO SIGANGA: Sorry. I just wanted to clarify, are we finishing looking at the document with them? Because I have another question.

UNIDENTIFIED FEMALE: [inaudible]

WAUDO SIGANGA: But it's not to do with the first two topics that we talked about. It's to do with Recommendation 44, which deals with the outreach. Is that in order? Yeah, there's a question that was asked: what we meant by outreach. Were we referring to outreach or new gTLDs and IDNs or more broadly about encouraging deeper participation and engagement? I think it's the former in this particular recommendation.

With a caveat. I'm not sure that the two are really mutually exclusive. Our focus was really on these applications for the gTLDs rather than the broad participation in ICANN. Is there an answer for that?

JONATHAN ZUCK: I guess I can embellish that a little bit. Some of the conversation we had is about whether or not applications from the Global South is the best indicator of increased participation. I think we consider that still to be an open question, which is why the recommendation begins with the community making a decision about what's important. If it's decided that an increase in the number of applications from the Global South is important, we made specific recommendations that

---

we thought would facilitate that that had to do with different types of outreach.

For example, your documents again outlined number of people reached and things like that, but we were talking about categories of people that wanted to try to reach and the type of information to try to share and things like that, if getting more applications was the best benchmark. We thought that that was really a decision for the Subsequent Procedures Working group – i.e., the broader community – rather than this small subset that we represent. If that was the objective, there were several things that could be done to make that more likely.

TRANG NGUYEN:

Thank you for that clarification. I think it's in –

WAUDO SIGANGA:

Sorry. Maybe just before you answer that, continuing just after that question you also mentioned quite a number of initiatives that have been taken by ICANN in terms of the outreach. We had actually taken these ones into account. Our concern was that, going by the outcome of the last round of applications, this outreach has seemed to have had not much of an effect because the applications were low from the Global South.

You mention also right at the bottom on the second [to] last page about the ICANN organization developing a global outreach plan. I

---

think that would be an answer to our recommendations. So we look forward maybe to helping promote that or to formulate that plan.

TRANG NGUYEN:

Thank you. I think we're talking about the same thing and I think we're thinking along the same lines. Obviously, in support of the introductions of any additional new gTLDs, ICANN would develop a global outreach plan to support that initiative and effort, just like we did last round. But if there are specific recommendations, like you say, Jonathan, around specific target sets of audiences in particular regions of the world – say, for example, the Global South – then we can do something additional to that, like maybe a more specific plan to target those specific segments of people in that specific region of the world.

But in general, we will start with a global plan and then, based on input from the community – and particularly with the input from the Subsequent Procedures PDP Working Group that's also taking a lot at this and trying to determine what sort of indicators would be used as metrics to determine success from that region, for example. So based on that information and the feedback that you provide, we would develop if necessarily additional communications or outreach plans for those target segments in those specific regions.

JONATHAN ZUCK:

Given that we're saying the same thing in a way, what's the implication of that? Is there a modification to the recommendation

---

you'd like to see? Or is it just an assurance that that recommendation would be taken into – I don't know what to do with that notion because clearly we'd develop a global outreach plan. I think where we were coming from is that the global outreach plan in the first round didn't reach the communities it needed to in the Global South, and that manifested itself as low application volume from those regions.

So what do you need different from us? What are you trying to [pump] from us with that description? That you think we don't need to make the recommendation because you would be doing a plan? Or that the recommendation is likely to be fulfilled because you would be... What's your intention with that section of the document?

TRANG NGUYEN:

Thank you, Jonathan. I think it's exactly what you said at the beginning that would be helpful to add to the recommendation which is that recognizing that there would be an overall global outreach and communication but that there may be a specific need for the Global South because, from reading the recommendation this time, it wasn't entirely clear if the ask is for additional things – and if so, what? – to be done at a global level, including the Global South, or if there are specific things that you want us to focus on for the Global South itself. So some clarification around what you had mentioned at the beginning would be helpful

We had some internal discussions around this, too, about the definition of Global South versus – I think the Subsequent Procedures PDP Working Group is going with a different definition. I think they call

---

it the underserved region or something. So I don't know what the overlap or alignment between that may be, but at some point, if they're talking about two different –

JONATHAN ZUCK:

We use both terms, just to cover our bases. We'll try to add some clarity there, for sure.

Other issues or questions for Trang before we lose her here at 10:15, I think? Which is in three minutes.

David, go ahead, please.

DAVID TAYLOR:

Thanks, Jonathan. Hi, Trang. The question I've got is on your comment on Recommendation 40, which is the impact of the New gTLD Program on the cost and effort and our recommendation there to repeat that every 18 months. It's a good question of yours, saying it's not clear if the CCT Review Team is asking ICANN to perform the same study that INTA is performing.

So my question is: would ICANN perform that study? Because there was a bit of a discussion that we had at the beginning as to who would do that study, whether INTA would pay for it, whether ICANN would pay for it, etc. So really it's a question of what you think on that side of things. I know obviously the DNS study is something which ICANN has paid for. The INTA one has gone out to INTA. If you are willing or keen

---

or thinking of doing it, I'd suggest it's something which could also be expanded to other entities outside INTA so you get a broader scope.

Also, there was a comment from the NCSG about how this should be an impact study which covers rights, owners, and abuse of rights protection mechanisms. So we could also be looking at whether there's any abuse. I would say there, yes, bring that in. But also, is there any abuse by registries and registrars? So it could be quite a wider thing instead of asking just one subset of the population.

Now, obviously INTA wouldn't go to that extent of asking everybody, but that's something which ICANN could do. So beware. That might be a recommendation, but it was really just to get your feedback of what you thought of that and whether it's something you'd like to take on board.

TRANG NGUYEN:

Thank you, David. In this round of assessment that we did, we didn't quite go to the extent of considering whether or not the various studies and research would be done in-house or be outsourced to an external party. I know we provided what the study may cost if we were to outsource it, but we haven't really actually sat down and thought through whether or not it makes sense for us to internalize some of this work, especially if it's going to be done on an ongoing basis, and whether or not it makes for ICANN to do versus an external party.

So I don't want to say that, no, we won't, but at the same time we haven't actually sat down internally and gone through the exercise of

---

thinking through what can be internalized and whether it makes sense to be internalized.

JONATHAN ZUCK: Any more questions for ICANN org? Kaili?

KAILI KAN: May I talk a little bit about collecting parking data?

JONATHAN ZUCK: Sure.

KAILI KAN: Okay. I see your comments about the recommendation of collecting parking data. Fortunately, I see that this is much less expensive, and already much of that is [then] for new gTLDs for free – already collected.

Well, if that is the case, I'm just wondering if we can install the same mechanism for the legacy ones, including ccs and so forth, because it sounds like that would not be that sensitive because, as new gTLDs, they wouldn't collect that for free.

The reason we would like that to be collected is that, right now, the data shows that over half of the registrations, especially new registrations, are being parked. That, from our CCT Review Team's perspective, significantly affects our estimation or calculation of the market concentration ratio, which is a measurement of competition.

---

However, there are also other studies and other research – academia and so forth – that shows that the number of parked domains has some correlation with DNS abuse and so forth. Those [inaudible] does not fully fall into our team’s responsibility or mandate. However, I believe those studies or research is fully within ICANN’s responsibility and mission.

So for our team, this review, this is for primarily for a better estimate of the competition measurement. But overall speaking, it has a significant impacts to other aspects, which is of ICANN’s concern, especially as it is not expensive and much cheaper and easier to implement, so it is recommended. Why not? Thank you.

TRANG NGUYEN: Thank you.

JONATHAN ZUCK: Thanks, Kaili. Anyone else with questions or comments on these? Thanks again for these comments. They are very helpful, very thoughtful, and we’ll do our best to address them all.

Thank you. This is WKRP, and we are back with the smooth hits from the ‘70s and ‘80s.

[LAUREEN KAPIN]: You’re showing your age.



---

JONATHAN ZUCK:

It's 3 a.m. Is anybody out there? We've got a long distance dedication. Microphone on?

I don't know the best way to approach this next agenda item or what is really the remaining agenda item for the team, which is to figure out where we think, based on the public comments, we need to make changes to the report versus simply addressing the comments in some other form, whether it's an appendix or a response document or something like that.

Laureen for the save.

LAUREEN KAPIN:

For the save. Happy to save or happy to ask more questions. I know we have one deliverable coming up on July 10<sup>th</sup>, which is the public comment report. That, as I understand it, is just a summary of the public comments. It's not saying what we're doing in response. It's just characterizing them. "Here's what we received." It's a summary of them so the community knows what input we received. So I understand that.

What you're talking about, Jonathan, is basically some sort of appendix, where we basically acknowledge that we have read the comments. For those that we haven't responded to, it's just an acknowledgement that we read them but we did not elect to change the report as a result of them.

Is that what's usually done? That's my question, is how the Review Teams typically handle that. Do we need to say we read it but we don't

---

agree or can we simply just change the report where we think it's necessary? Do we have to say and we changed this in response to these three comments? What level of detail? I would like more visibility about that.

JONATHAN ZUCK:

Thanks, Laureen. I think the short answer is it's up to us. I don't think there's a rule but certainly, what came out of the accountability process both in terms of staff accountability for the organization and organizational accountability had to do – and some part of it had to do with how public comments were absorbed, right?

So there was a lot of initiative on the part of the community pushing back on the organization and saying that comments going to a black hole. We don't see how they resolve themselves in the document in question. There are even instances in which the public comment period went past the document deadline and things like that that people raise and so there's a lot of pushback.

And so I think in that environment, it behooves us to eat our own dog food, if you will, and be rigorous in our absorption and in gestation of those comments and to say, "Look, we did read them and here's what the disposition of them was." And then that some subset of them will result in updates to the document. We will update the document but I don't think that we will – and the document say that it was a result of a public comment. I think we will just try to make up better document as a result.

---

But that ideally, and maybe it's just in this spreadsheet and we can decide because there's an action column, for example, that we just fill out and make public or something like that so that everyone knows I read your comment. This is the action we took on it and that action may be to disagree with it or to have addressed it in some way and here's the section that we addressed in or something. I think it behooves us to do that because we've established that expectation of the organization as well.

LAUREEN KAPIN:

I'm wondering if we can address it not with the spreadsheet. You may not have guessed this but I'm not a huge fan of the Excel spreadsheet and also I'm particularly not a fan of them being appended to a report. I think that that's going to be unwieldy and hard to read. But I'm wondering if we can address it in a way that is both more specific and less specific than your suggestion.

I would almost approach it the opposite way. I would say we should be explicit about where we made the change because of a recommendation. And perhaps even have some sort of cross reference to the comments saying this resulted in changes on pages 12 to 14. I may be being very transparent about where we changed the report in response to various comments but not having something explicit, say we disagreed with the comments from this stakeholder, which seems to me to be a little unnecessarily inflammatory. I don't know why we want to do that but I would say we want to have a general acknowledgement some place in the report, preferably at the

---

beginning where we're talking about methodology, that we have reviewed all the public comments and where we determined an adjustment to the report was needed. We have made those changes across reference index to those changes to set forth in this appendix.

JONATHAN ZUCK:

Thanks, Laureen, and I don't necessarily mean that it needs to be appended to the document. It can be on the wiki or the redesigned wiki as we talked about it, etc. as a resource page. It's my belief that absent explicit reference to every comment that we will then get the criticism that you didn't see our comment about X, right? Every public comment period has that. And I believe in many instances, it's legitimate, right?

And so while we in our hearts know that it isn't in our case because we read all of them, I mean, that perception persists. So there's no way reflected that you took my thoughts on this into consideration and so therefore, the system is broken and we need – and so I would welcome a less inflammatory way of saying, “Your comments suck” right? And let's figure that out but –

LAUREEN KAPIN:

I'm not saying it that way.

JONATHAN ZUCK:

Right. I'm with you there, right? But at the same time, I think it behooves us to say, “Look, we read your comments and this is why we

---

think they're wrong or this is what we meant instead," or something like that quickly.

LAUREEN KAPIN: You're even going further than saying we disagree. You want an explanation about why we disagree for every comment we thought was we didn't need to make a change about. That I think is above and beyond.

JONATHAN ZUCK: Maybe. Jaime, go ahead.

JAMIE HEDLUND: Thanks. So maybe taking a step back can help. This is a committee appointed by the multi-stakeholder community that is providing a report on a multi-stakeholder developed process. And if we come out with a report that the dear leader says, "Here are the recommendations," and that's it. You will not have any credibility.

I think the credibility of the report will depend in large part in how we show we responded to serious comments from the multi-stakeholder community. And I do think that means responding to maybe not every argument but to show that we actually have – agencies do this all the time. And their decisions get held up based on in part whether or not they took into account other considerations raised during the comment process.

---

So I think the risk of the report not being accepted, not being viewed as legitimate increases dramatically if we do not show that we not only read the comments but that we took them into account, we considered them and this is how we dealt with them.

I think you can say – you don't have to say the Registries Stakeholder Group was on crack when they came up with this thing. But you can say [inaudible] suggested that [blah] and we disagreed, instead we addressed it – did this. It takes longer but I think it in terms of bolstering the credibility of the report, not just with the community but with the Board who ultimately has to accept the recommendations. I guess the flipside of this is if you don't say anything about why you're doing it, it gives the Board even greater license to go a different direction.

JONATHAN ZUCK:

The CCWG, there's some precedent for being explicit about what the disposition was of comments. And so again, that maybe doesn't need to be everything but everyone we don't address becomes a voice later on that feels that they were disenfranchised from the process and expresses it.

I heard Carlos doing thumbs up back there at one point. I don't know if he wants to speak but I'll let Calvin go ahead first.

CALVIN BROWNE:

Yeah, even if you do that, you'll just going to get people... We do it anyway.

---

JONATHAN ZUCK: Disagree with people. We do that all the time. Not listening to what they had to say is something that's not acceptable in the community. Waudu, go ahead.

WAUDO SIGANGA: I think in addition to acknowledging the public comment, I think at the very least, we should list the public comments in an appendix the way they've been done on the website, that's listing them from where they came from. I think it's important for the people that made the public comments to at least know that they are appearing somewhere in our report even if it is just the organization, the title of the public comment. We should list them on a page. This is just half a page.

JONATHAN ZUCK: Just list of all the comments. I don't think there's any problem with that. I think that some variation on this spreadsheet is the way to demonstrate that we understood them and things like that. And I don't think it needs to be in the report. It just needs to be an output from the team, I think. Again, I'm not trying to impose my will. I want the entire team to be onboard because it is effort but that's my opinion. Carlton and Calvin.

CARLTON SAMUELS: I agree that we should acknowledge that we have received comments. The publication where you publish it is what is in play here. I don't

---

think you should have the comments in the body of the report. I think it is important that we publish it someplace and maybe on the wiki, is a good place to publish it, and make a reference to it in the report section. That would be my take on it.

CALVIN BROWNE:

I think doing it by reference that they're already on the appropriate website suggests that comments can be found at this URL is big enough, I think, because it's there by reference.

FABRO STEIBEL:

Just throwing one idea, hopping on what Jaime said about the need to express that all the stakeholder to express their opinion. We do have a good analysis from the team on neutral, support or disagree.

What we could do is a heat map. A heat map, like a one page, saying all the stakeholders, the 52 recommendations and it is green if they support. It's yellow if they're neutral or red if they disagree or blank if they never comment. And then you're going to see the 52 recommendations received lots of comments and then we can see most support, most disagree and then you have a heat map.

This means we don't have to answer to everyone because somehow they are addressed there. We read them. This is what they stake and then we can in the written section just write the ones that we think are most appropriate to address. I'm not sure if it will work, but it might be a good idea to try to do this heat map.



UNIDENTIFIED MALE:

I like very much the way Laureen presented. I think it reflects very well what Jaime reminded us and I think every single comment to our recommendation deserves at least a footnote on the recommendations. Even if it's small, I mean it's very easy to do because we have them by recommendations. We are going to regroup or group the recommendations so it should be rather easy to say in this case, this and this group recommended to kill these recommendations or something like that. The group decided to keep it or redraft it or took it into account and redraft the recommendation. That takes very small editing to recognize. Every direct comment to every single recommendation should be recorded. Thank you.

MEGAN RICHARDS:

I like what Laureen said and Carlos but also I like the idea of Fabro's and that's something that could be put in an annex or a link. I don't think it should fill up the report itself but somewhere, we have to have an introductory paragraph or a very short word saying, "We have reviewed every single comment that has been contributed, something that you could write," for example, and saying, "We have addressed them, consolidated where we could and where consolidation was appropriate," and address all the issues. And then a footnote in some specific case but it's not necessary for every single case, I think. I think it's just a question of judicious editing and writing.

---

JONATHAN ZUCK: Any other thoughts?

UNIDENTIFIED MALE: I think we can address a lot of them just by looking at the way that ICANN staff has already divided them up. So the comment thread of course is that we need to be more specific with a lot of them because people are concerned about cost and timelines and whatnot. So there's that. So either we address that by being more specific or by referencing generically and [the same] kind of like Megan's referring to. The body of the report already lays out the rationale and then we maybe even say like 10 of the comments received raised this point. And so we could probably hammer out a lot of them just by going after the commonalities.

And then there's of course at least the ones I'm most familiar with. There's of course the polarizing positions, the vehement support for or opposition against, whatever were for and so something like that. For those, we could even address the pro and con together. So there were comments received supporting such instances, there are recommendations or arguments against it because of this and our analysis stands as such and such.

WAUDO SIGANGA: I think also in a way, the way we treat this public comments also would depend very much on the objectives that we are trying to achieve. And I think it could be good if we are very clear about those objectives.

---

For example, from the discussions I've had, Jaime talked about this aspect of multi-stakeholder activity. It needs to come out and the way to come out is and the way we treat this public comments because it's through the public comments that we get input from the community.

So I think it will have been useful to actually have some idea of the objectives that we are trying to reach in terms of how we are treating the public comments. I can only think of that when Jaime gave. I don't know if they have this – the objectives we are trying – the question is how are we going to treat the public comments [inaudible]?

JONATHAN ZUCK:

That's right. I think there's two questions on the table, right? One is in the general, how do we want to address the public comments, in particular those that do not result in updates to the report, right? The ones that result in updates to the report, people will see changes to the report reflect their comments. I feel like that's going to be less of an issue.

So the question is if there are comments that do not result in a change to the report, what do we do about them? So Drew's recommendation is to aggregate them to some extent and say that there are some who argued that X, Y and Z and others that argued, and we tried to split the difference and do something like that. And so then that's more of a pros type of approach, right? That could be an appendix or a document that's sitting on the wiki.

---

Another approach is to go one by one with these comments as they're divided up in the shell and say, "It was incorporated. Changes were made, explanation was given," etc. or something like that that demonstrates we heed everyone. And then the other is just to make updates to the report and kind of caveat that we looked at all the comments and made incorporations where necessary.

So it's a sort of the gamut of possibilities in terms how we deal with them in general. And the next conversation we need to have is which comments do we think will make up the report. So we need to just reach some consensus about what we want to do about comments and in particular, those that do not result in changes to the report.

Drew, go ahead.

DREW BAGLEY:

Yes, I'm going to say I think the first exercise is to identify the comments that will be obviated by the DNS Abuse study, the INTA study, and any other new data we are already considering or any other changes that have occurred since we released the draft report. So even the fact that now we actually have a picture of case to look at, things like that. So maybe first doing that because that would at least allow as to say, "All right, this comment, while relevant six months ago is not necessarily applicable now that we have such and such data because our own interpretation is changing."

---

JONATHAN ZUCK:                   Excellent, which is going to lead to more comments in the “not addressed” category or result in a different type of action or something like that, but I guess staying at a high level what do we want to do about the comments that don’t result in changes to the report. Waudo.

WAUDO SIGANGA:                   I think you also need to make it clear what do you mean by “not addressed comments” because the public comments, two parts. There are public comments by contributors and then there are also public comments by recommendation. So sometimes you find the contributors dealing with many of our recommendations or areas of our recommendations.

So if we talk about the ones that we are not going to deal with, you could find one contributor, perhaps some of the input that he has given about that recommendation, some are taken onboard, some are not taken onboard. So maybe we need to be a bit clear about the ones that what we are not taking onboard. Are we talking about the contributor or the subject matter within the contributor?

JONATHAN ZUCK:                   Just to clarify for my own intention, I’m talking about the subject matter, which is why I’m talking about driving it via the shell that the staff created which is very subject-driven and not contributor-driven.

So these are arguments that were made associated with this recommendation and this is how we responded to them. That’s where

---

I was coming from as opposed to dealing it on the contributor basis. Because on a contributor basis, there's going to be somewhere we agreed, some we didn't agree and things like that and so the subject driven was definitely what I was recommending.

Just to add them into the mix, Jordyn is suggesting that we just try this a couple of different ways and see if we like the result because he thinks this conversation is too abstract to really understand the implications of it. And I can sort of see his point but at the same time, actually I wasn't trying to propose something abstract. I was talking about going through the shell and then the action things saying what we did with that particular part of the comment but, David, please.

DAVID TAYLOR:

Thanks Jonathan. Just thinking about this. First, I don't think we should go through every single comment and respond to each one because it just opens a can of worms that [inaudible] then comes back on their comments and say something else. And we'll end up with too many discussions going on potentially.

It really is where there is an expectation on the comment that they will have the response and that's really where I come out on this. And I know when we commented on the Applicant Guidebook, and we commented on every version of the Applicant Guidebook, and we never got the reply, but I was fine about that. And sometimes you delve into the Applicant Guidebook, you need to look and you'd say, "Oh, that's what we said. Oh, but they said it as well. Oh and they said it as well. It's not quite right." And it was actually fine to be like that

---

because you don't expect to see word for word what you've said to be in there.

So I just think that I'd be less specific because I think it gets more complicated whether it goes to the next stage where they have one bucket which are the ones we say, these the ones which have had an influence on our report and have been incorporated in some form or another. And we have another bunch, which ones we ignore and we put an [outlier] that probably say we don't until we've made those two buckets up.

I think once we've got those two buckets, we can then decide how best to treat it because at the end of the day, we know we've got hardly any which we're ignoring or the ones which you're ignoring or the ones which we think are really very unhelpful. Then we could potentially say it, very unhelpful but obviously if it is helpful, we're going to bring it on in some way, so I think let's get two buckets together and see what's in each.

JONATHAN ZUCK:

I know that in the IPC in particular, you would be alone in your feeling that no reflection of comments was an acceptable outcome, but I'm happy with just delving in. I mean, that's fine to try and figure out which of these comments we're trying to take onboard and how and what changes we need to make to the report. So we can start that process.

---

We were talking about being subteam work, right? And so I don't know the best use of our time as a plenary to address that, which is why we are having the abstract conversation. But at a broad level, Jaime is onboard so I can give you food for comment, Jaime, since you have to write everything and say... I guess we didn't solve his audio problems for today, right?

UNIDENTIFIED FEMALE: You mean Jordyn [inaudible].

JONATHAN ZUCK: Jordyn. Sorry, I didn't mean Jaime. That's been a while since I said that.

LAUREEN KAPIN: You are in charge of responding to all the public comments, Jaime. You will be the penholder.

JONATHAN ZUCK: Can Jordyn speak?

UNIDENTIFIED FEMALE: He could call in. He hasn't called in, so I don't know –

JONATHAN ZUCK: Does he know that he can?



---

UNIDENTIFIED FEMALE: Yes, he does. Yes, I informed him that he would be able to do that and he acknowledged that's a possibility. Given the time he made just to be landing in his [inaudible].

JONATHAN ZUCK: So there are certain categories of comments so doing with the ICANN.org comments, there were some consolidations for example. And were you comfortable? Do you feel like you and your team are comfortable with those consolidations and what should we do about the prioritization? Because there's now a mix of prioritization in those consolidations. Do we want to talk about that a little bit?

Jordyn, I was going to ask you the same question about some of the consolidation and the data things. And if there's anything that we want to more broadly discuss, so please call in if you can. But in the meantime, I'll pass it to Laureen to talk about her subset of the recommendations.

LAUREEN KAPIN: Yeah, if we're going to do that, I think actually people will need to get out – it's very paper intensive. No one has these recommendations memorized. And one observation I will make about the ICANN Organization's feedback which is that they have suggested consolidations via subject matter because they want to centralize data collection on related topics.

We have organized our recommendations to track particular safeguards, to respond to different issues based on the Nielsen survey

---

about consumer trust. We've done it – we've organized it very differently so I'm concerned although in the abstract, I think we should consolidate where we can where things are duplicative. I'm not sure, I, at this point fully embrace consolidating the way ICANN has suggested because their goal is to make it easier to collect the data.

Our goal is to create a narrative that makes sense given the particular safeguards that were embraced in the contract and also given the findings on consumer trust based on the Nielsen study. So those are two very different organization constructs and I don't want our narrative to be impaired or subsumed based on ICANN's desire for efficiency, which I fully recognize and appreciate, but I don't know that we should be driven by that.

That said, if there are logical consolidations to be made within the framework, I think that we've set forth, that I think we should definitely do. So that's my high-level observation there about that feedback.

JONATHAN ZUCK:

That's good observation, Laureen. I guess the question then is one of implementation perhaps, right? That their consolidation is about implementation. And so the reason that it becomes significant has to do with timing of execution, right? So the question, I guess, to find the middle ground between the two might be to deal with given their desire to implement in that way, are there adjustments that can be made with prioritization to facilitate that. Which doesn't necessarily mean that we should group our recommendations that way to disrupt

---

the narrative but that if we looked at how they were trying to implement and could take a look at prioritization to see there's a way to standardize prioritization within those groupings that would facilitate implementation but then deliver the recommendations the way they're delivered now. That seems to me the way that can split the difference but I could be missing something.

Jaime, you had your hand up. Does that make sense Laureen?

LAUREEN KAPIN:

Yeah, it does make sense. So I still think we need to figure out as a subteam where there are duplications and I think we have a general sense but that we haven't pinpointed that to a specific plan yet. And then I think you're right, we can then as a next step take a look at ICANN Organization's feedback. And consider whether our prioritization still makes the best sense to us or if we should take a second look at that so it is more – yes, so it's easier to implement and more logically implemented. That makes sense to me.

JONATHAN ZUCK:

Other observations about the public comments received, that's the ICANN.org. Are there other comments that stick out that you think that relate to the recommendations for which you're responsible that you think you want to discuss before addressing in your subteam? Someone raised a question that should be raised at the level of the plenary is the question I'm asking.

---

Okay. I can say for the ones on the application evaluation process that they're almost entirely issues of clarifications, so I'm not concerned about having a big discussion about them because it's just a question of answering those questions or clarifications for the most part. But I don't know about the others. Yeah, Calvin go ahead.

CALVIN BROWNE:

Okay, so on recommendation 24, I don't think we make it clear enough that we're talking about the GAC. Actually, we do. We're talking about the GAC, described about the GAC Category 1 Advice in Section 24 and in Recommendation 24. Then when you read 24, I didn't read any conjunction with 23 and I think we can just make it clearer if we did that because I think that that's what it's referring to in the report. I don't know what other people feel about that as well.

CARLTON SAMUELS:

I would support Calvin on that. I see that there were some rewrite, some consolidations for example of 15, 16 and 17. Those recommendations. If you look at them critically, I think we could rewrite them. One might have several parts to it but I do believe that we could rewrite those. The set of recommendations that the ICANN Org put together, that long list, 22, 23, 27 and so on all the way to 32. Those are really about output from Spec 11 data collection. And I think maybe if we look at them in more detail, there's an opportunity to consolidate some of those. I do believe there are opportunities there.

---

JONATHAN ZUCK:

So again, I guess the question is for the group is whether or not you identify a risk associated with that or is that just something that you believe can just be done in subteam and it won't raise an issue. I'm trying to make some vague distinction between things that will happen in subteam or even at an individual draft or level versus things that we should raise to the level of a plenary discussion.

One example that is worthy of some discussion – I feel like I know how the discussion will turn out – is the assertion by the NCSG that there shouldn't be any recommendations that appear to be targeted at a particular community. And one of the issue that's raised is in review of the Trademark Clearinghouse, for example. And yet it was just one of a list of safeguards, right? And therefore it's in that list. So to single that out, because there's recommendations that are aimed just at the Global South for example, and so it's a specific community and so I think that assertion is innately flawed but it's probably something that as a group we should decide that that's something about which we should be concerned or not, right?

I don't mean to bias the conversation but I was just saying that that's the kind of discussion that I think we should have as a group. Are people raising philosophical issues that as a group we should make decisions about before we go back and do our scribbling? That's what I'm trying to get to.

---

CARLTON SAMUELS:

Yes, I totally agree with you on that that some of the comments that the philosophical variance is enough for us to have a discussion as an entire group to decide on them. And that area is one of them.

The other one of course is the issue that says that any attempt to act for safeguard information that they think involves governments or other groups giving information is an attempt to managing content. I don't believe that at all and that to me is a philosophical difference and we need to look at it.

JONATHAN ZUCK:

So we dealt with that or we at least began to address that question of content regulation yesterday. Do folks believe that that's something we need to address further? Are we in consensus about that? Is that a concern that we need to address more explicitly?

Drew, you've got your hand up. I don't know on what topic at this point because there's a bunch that are swirling.

Those are the things that I think it would be good to identify, right? So, one is content regulation was a big issue. One was targeted, I guess, communities. Another thing that we spent a lot of time on yesterday had to do with cost benefits, which was a high level. Other philosophical issues have been raised in the comments that we should address as a group. Drew?

---

DREW BAGLEY:

Thanks. Yes, I think one of the most applicable for the entire group is this feedback we're getting in several comments about what should be within our auspices versus what is the responsibility of the PDP Working Group in the subsequent procedures, especially with regard to us making recommendations that are prerequisites or require a long enough timeline that they could potentially delay or affect those other processes or to the extent we're directing them to look at an issue.

I think that just as a group we need to figure out a uniform approach to all of those comments. Because it would be the same general response about how we're interpreting our mandate and why we believe X, Y, and Z should have or if we need to make any changes in light of those comments.

JONATHAN ZUCK:

So, give us an example then, Drew, of one of those that we can deal with it in a concrete way. In the meantime, Calvin, can introduce our guests.

Welcome. He said he was very happy to have local meetings. He can sleep in his own bed during an ICANN meeting. It's pretty unusual. So they used to torture. Okay, exactly. Please.

LAUREEN KAPIN:

So, while Drew is finding that, one of the issues raised by the input from Domain Mondo really raises issues about the viability of the New gTLD Program as a whole. It also raises a lot of specific competition

---

issues dealing with the lack of restriction on prices and at least the author's characterization that ICANN didn't take into account in certain very specific guidance provided by the United States Antitrust Division. So, at least it made me wonder not focusing on the competition side myself, but the extent to which the Review Team wanted to explain how either some of these issues they had, in fact, grappled with or were outside the mandate.

Because it certainly seems to me from a big picture perspective this issue of how successful or not the second round has been from a business perspective is certainly relevant to the issue of competition and the issue of price restriction certainly seems to also be something that has been brought up. That was in part what generated all the .sex controversy. So I just raise it as an issue, it's not something that my subteam was really involved in but in reading the comments it seemed to me that there were some big picture issues raised that perhaps we should talk about.

JONATHAN ZUCK:

Jordyn's getting on in about ten minutes I think. So we can subject him to those high-level questions on behalf of the Competition Team. Drew, do you want to lead a conversation?

DREW BAGLEY:

Sure, yeah, basically several of the comments that are in the 30s, beginning with 33 in particular and actually a few before then I guess starting with 31.



UNIDENTIFIED FEMALE: Spreadsheet, Drew?

DREW BAGLEY: Yeah, of the spreadsheet, sorry. So basically, the recommendations we made that are calling for data collection. With those recommendations which some are dealing with abuse, some are dealing with trustworthiness. I want to say there's one dealing with PICs, I think it's something competition-related. One where we're dealing with new gTLD registration restrictions on competition, including whether restrictions create undue preferences. For these ones there is consistent feedback from the New gTLD Subsequent Procedures Policy Development Process Working Group, as well as the Non-Commercial Stakeholder's Group. And so, the comments for some are just copied and pasted. But essentially, the one from the Subsequent Procedures PDP is clarify how this recommendation fits within the scope of the New gTLD Subsequent Procedure PDP Working Group or any other PDP as written is the expectation that the PD Working Group collect input on this issue as part of the public comment period for the initial report or at a different point in time. Clarify the definition of undue preferences and how CCT RT anticipates those undue preferences impact competition recommendation has been assigned at a high priority level. And this is relevant for many of them where they put this comment. If data collection directives are targeted at the ICANN Organization it may not be feasible from a timing perspective for the ICANN Organization to

---

complete data collection and share with the working group for analysis and action before working group concludes.

Those comments are echoed throughout several of these in the 30s. And then similarly, the Non-Commercial Stakeholder's Group says the Review Team directs action studies, data collection and review to GNSO PDP Working Groups that are already on very tight schedules and may have already moved past the issues being considered by the time the final recommendations are issued in the final report. We ask the Review Team to clarify that the GNSO Counsel and its officers remain in charge of the PDP Working Group and that the Review Team is not seeking to delay current working group schedules, direct working group work, handle or manage GNSO's Working Group process.

And so, those are I think issues we as an entire group have to figure what our response would be. But, these are pasted in several of them. And this one even goes on and says that we should delete such comments or rewrite them as advisory in case the working group has passed on the topic, chosen to allocate its data gathering resources differently or received other input from its outreaching comment requests.

LAUREEN KAPIN:

I think one common critique of so many work streams going on at once is that there isn't a logical sequencing of work and therefore you may have a Review Team like ours that's supposedly generating critical input and then other decisions being made that timing-wise

---

don't have an opportunity to take advantage of our pearls of wisdom. And so, I appreciate the observation that you don't want to hold up other work streams, but that to me raises the bigger issue of why aren't these work streams being organized and sequenced in a way that's going to derive maximum benefit. And the fact that they're random at times or not done in a logical manner isn't something that should restrain or eliminate our ability to provide valuable input.

So that's my response. I do appreciate that it raises a bigger picture issue of the lack of someone looking at this from a big picture perspective and saying in what order should we do things so it makes sense and people aren't wasting their time because things aren't being done in a logical sequence.

JONATHAN ZUCK:

Thanks, Lauren. And thanks, Drew, for raising the issue. There were certainly some of us that were advocating that they delay the launch of that PDP until this had happened. And so, I think having the tail wag the dog at this point is inappropriate. So, I'm not the least bit concerned about delaying the process of that PDP or of the introduction of new gTLDs as a result of our recommendations. I'm zero concerned about that because this is a supply-driven problem, not a demand-driven problem. There's nobody out there desperate. And so, I think that we need to make the recommendations we're making so we can put some caveat on the document. But I think you're right to raise it and we should make sure that it's something that we discuss.

---

So I'm making a note. So, while I'm doing that, David, why don't you take over the mic?

DAVID TAYLOR:

Now, before you said that John I was going to fully agree in what had just been said before because it's the discussion actually we had at the outset of this CCT Review Team and the fact if we're doing things in parallel. It's obvious that there's going to be an overlap in issues and we said wouldn't it be better that we did our CCT Review first and then follow up with the PDPs because then our input could be taken onboard. And that wasn't possible for whatever reason so if you conflate several things into several work streams running in parallel there's an obvious result and we're seeing that result now. And I agree fully, we've looked at that. That's the way it is, but we have to carry on in doing things which we're doing.

JONATHAN ZUCK:

Jordyn asks, "Where do we recommend that a PDP engage in data gathering?" That's a good question. I'm not sure that... That was the cut-and-paste response from NCSG. But, Eleeza, you have insight there?

ELEEZA AGOPIAN:

I was just going to say I was looking through the recommendations and several of the ones that are on... Do you suggest data collection are directed toward the PDP Working Group? I'd imagine the reason is because your intention was for it to inform the PDP, but perhaps they

---

took it as should they be doing the data gathering. I wonder if that's where that's coming –

JONATHAN ZUCK: Say that again, our intention was what?

ELEEZA AGOPIAN: I'm assuming the intention was that the recommendation for data collection was for ICANN Organization to do that and provide the data to the PDP. But the way this is written I can understand why it appears as though it's suggesting the PDP itself do the data gathering or engage in that and somehow.

JONATHAN ZUCK: All right. So, we should probably clarify that in the recommendations. I think in most of the instances in which we're trying to kick the bucket to the PDP is because we think it's a community decision that needs to be made more so than work that needs to perform versus us doing the work.

Other questions or comments about high-level issues that have surfaced as a result of these comments? And Jordyn's about to attempt to dial in to speak to the competition side. Okay.

So, just to go through them quickly, one of them was content regulation. Is that something that you feel that the public comments, that it's just actually a clarification and that we feel confident that

---

we're not delving into that? Or is that something where you think we need to make an adjustment? Drew?

DREW BAGLEY:

Yes, as David pointed out, we knew this was coming in Morocco we had this conversation. And so I think we just make a clarification and reiterate what our mandate is which we already do a great job in the report, but just to the extent we create a separate document that responds to public comments in general. I think that should be a big part of it in the opening.

CARLTON SAMUELS:

I agree. The response content that content regulation came from the recommendations that we collect data containing safeguards and all of those are lifted in Spec 11 as I say again and you want to know what kind of complaints. If you're asked to manage safeguards and compliance with safeguards, you need to know what kind of complaints you get. And so, collecting data on every kind of complaint will give us an opportunity to see if the safeguards we've implemented are actually working or need to make adjustment.

JONATHAN ZUCK:

One of the issues had to do with incentivizing, if that's a word, incenting registries to employ registry restrictions, for example. And does that become a form of content regulations.

---

CARLTON SAMUELS: No, not at all.

JONATHAN ZUCK: Because we're not dictating what those things are, but instead suggesting that consumer trust could be enhanced through those restrictions. I think it's probably a fine distinction. Carlos, is that your hand?

CARLTON SAMUELS: I'm not talk today, but there was an effort in the subsequent rounds PDP to talk about categories so I think the... I don't know where it stands right now really. Last I was on a call was at least three months ago. But, for me, this is an effort in that direction. The categories effort is trying to group some kind of gTLDs that belong to either communities or trademark brands or geonames and so on. So, either we recognize that or we become more specific about this relationship. And I forgot another group which is highly regulated, so there are some buckets which is the word of the CCT Review, that really address this issue not necessarily in our Review Team. So there is a tendency already with this big amount of TLDs to group them somehow to give this relationship. So either we come much more specific about our recommendation and/or recognize this tendency in the PDP and other efforts.

JONATHAN ZUCK: Okay. So it sounds like Jordyn may have just joined the call. Just for clarification, very early on we suggested to the PDP Working Group

---

that categories was something we weren't going to deal with and wanted them to deal with in terms of whether or not different categories should be treated differently which is the discussion inside the PDP about whether or not there should be different – in essence a different guide book for different categories or different deadlines or different rounds, etc., different categories, prioritization for communities. And we punted that and did that very early so they could take that question on.

I think the issue at hand here has to do with our recommendation to look for ways to create incentives for registries generally to create registration restrictions that make the registrants reflective of the word in the [inaudible] of the string in use so that photography is limited to people that are doing photography, for example. Because the Nielsen survey suggested that there's an expectation being created with all of these new strings being out of the root that there's a more semantic web would be the result of that expansion.

So, that's the recommendation that in theory could be construed as recommending some sort of content regulation. But it wouldn't be by ICANN, it would be by registries to be sent if it existed at all, but it would just be about trying to – and as David suggested that one of those incentives might have been a cheaper point of entry into the program because of a recognition that if you have restrictions you might get fewer registrants. And so, I think we're trying not to make the decision about that or what that should look like, but simply reflecting the results of the Nielsen survey and that recommendation



---

by suggesting that you could enhance consumer trust by having more registration restrictions.

Jordyn, are you on? Oh, David, go ahead.

DAVID TAYLOR: Sorry, Jordyn. Just to add to that, I agree fully. But I was going to say the thing that we should always if we keep in mind, I think, in the report that we just talk about content expectation as opposed to content regulation because it's the regulation word that strikes it up. So it's actually what we're talking about is the expectation.

JONATHAN ZUCK: Great. Jordyn, do you want to try to speak?

JORDYN BUCHANAN: Test, test. You guys hear me?

JONATHAN ZUCK: We can hear you, welcome.

JORDYN BUCHANAN: All right. Technology success.

JONATHAN ZUCK: What would you like to talk about, Jordyn? I don't even know what question to ask you at this point.

---

JORDYN BUCHANAN: I don't know. I'm happy to wait until there's an opportune moment in the conversation.

JONATHAN ZUCK: So, the general question that we're trying to address here is this distinction between clarifications and corrections, etc., that might be handled in the subteam context versus broader issues that were raised as a result of the public comments. And so, I guess the question for you is looking at the competition-related recommendation comments, are there any issues that you feel came up that deserve broader plenary discussion or do they all seem like things that a few essays from Stan will resolve?

JORDYN BUCHANAN: Essentially all of the competition-related recommendations are related to price data. And there is some pushback consistently on that, pretty consistent pushback regardless of whether it's being collected directly from registries and registrars or even if we just say like ICANN should go to like the domain price's [site]. I don't know if it should feel like of a nuance on behalf of the commenters or is really just a fundamental dislike of the notion that ICANN thinks about pricing. There's definitely a strain of comments that basically says ICANN shouldn't be a price regulator. It's not in ICANN's remit to think about prices, therefore you shouldn't collect this data.

---

So, I think most of this comes from the registries in some form or another, so I'm hoping our conversations this week will help better understand those concerns, but I think Jean-Baptiste [inaudible] from staff can correct. But there's not majority support for any of those in the comments at least for any of those recommendations, although to a certain extent the commenters maybe duplicative. So, for example, Neustar is member of the Stakeholder Group, but also commented on their own. So do we count that as two comments or how do we think about situations like that?

So I guess I'd flag that as a general concern because it represents a significant pushback against all of the competition-specific recommendations.

JONATHAN ZUCK:

And I guess my question back to you is, do you find any of those arguments now that you've read them, it's interesting that at first you thought you were going to have to lead the effort to comment on your own work and then it sort of ended up happening in parallel to you. Do you find any of those arguments compelling and we should take them on here or are we more sort of strategizing how to get their minds around the need for the collection of pricing data?

JORDYN BUCHANAN:

I think it's a good topic for engagement to better understand the concerns and to see whether we can specifically address them in the recommendations. I do think that it has the potential to be – I don't

---

think we've really thought through what transactional data, for example, would look like and how complicated that would be either for the registries to put together and/or for ICANN to be able to digest. Do we expect actually registries to provide a dump of every transaction they performed and what the price associated with that transaction was? That would be a large amount of data to produce and to consume I imagine very different from the current model where essentially ICANN has a price per TLD. On the other hand, we're missing a lot of data. So, it could be, I think that's the sort of issue where talking with the registries to figure out is there another approach to get at that that gives us the information we need without necessarily exposing that much data as part of the process.

JONATHAN ZUCK:

And where do you feel the boundary is between data collection and price regulation, because some of the comments feel almost knee-jerk that because ICANN is not a price regulator they shouldn't be collecting data on prices. That's a pretty heavy-handed statement. And where do we find that line?

JORDYN BUCHANAN:

I think that one's easier and that I think it's pretty straightforward to point out that we need to have some understanding of prices to understand the effects of competition. There's a difference between saying ICANN's not a price regulator and saying ICANN doesn't need to... ICANN as a entity trying to understand the market dynamics doesn't need to know anything about prices. So, I think that we should

---

probably dig into that difference. It's also worth noting though that ICANN in the legacy gTLDs is a price regulator so it's not even correct...

JONATHAN ZUCK: Right.

JORDYN BUCHANAN: ...to say that that's not ICANN's role.

JONATHAN ZUCK: Jamie Hedlund is the one who spoke off microphone to say that it's not ICANN that is the price regulator, but the Department of Justice that's the price regulator in the legacy [inaudible].

JORDYN BUCHANAN: That's only true for .com. Like the .biz has a price cap, but price cap is not imposed by the Department of Justice.

JONATHAN ZUCK: And perhaps that's why Jamie didn't turn on his microphone for his comment.

JAMIE HEDLUND: I think the only price cap, though... You're right, there is pricing in .biz and some others But the only one that's actually capped I believe is... and that requires approval to go above that cap is com.

---

JORDYN BUCHANAN: Approval by whom?

JAMIE HEDLUND: Approval by the Department of Commerce going to the Department of Justice.

JORDYN BUCHANAN: But you know that's my whole point is that ICANN currently sets prices for a number of TLDs purely because ICANN has set that price not because the U.S. government has requested it does so.

JAMIE HEDLUND: And again, it would be fairly easy for biz or anybody else to raise that price or even ask for that to be changed.

JORDYN BUCHANAN: I suspect that a number of those TLDs would be delighted to hear that that's true and surprised that none of them have requested it.

LAUREEN KAPIN: Jamie, did you want to say something else? I'm sorry, Jordyn. All these "J" names clearly confuse me. Jordyn, it's Lauren. And I wanted to raise a couple of different issues based on the comments. The first one was reflected in the comments submitted by Domain Mondo which basically I think raise a critique that in considering the competition issues why hasn't the group looked at the elephant in the room, i.e.,

---

whether this new round of gTLDs has been embraced, whether there's been a real demand for them, whether it's been successful?

And then the second issue he raises, it's more a pointed critique about how come there hasn't been – this relates to your last conversation – how come there hasn't been restrictions on price and how come there hasn't been advice taken by the U.S. Department of Justice. And I'm not agreeing or disagreeing with these comments, I'm just saying he raises some big picture issues.

The USG comment also raises a big picture issue about competition and our approach which focused on looking at the number of players in the market and how they've increased. The USG comment suggests that that's too narrow a view and that evidence of market rivalry would not just look at an increase in price, but a price decrease or an increase in quality so gives input in terms of what we should be collecting data on, that it shouldn't just be limited to price. So those are just two things that struck me when I was looking at the comments and I was just curious as to your take on those issues.

JORDYN BUCHANAN:

Yeah, I think the USG comment is well considered and actually raises a number of points that I think we need to address. For example, I think they make some good points about some of the data that we have gathered and applying it, and as you say also the types of data that would be useful to collect going forward. I think the USG comment can be dealt with pretty tactically within the subteam. I think it's generally quite constructive which I would put in contrast to the Domain Mondo

---

comment which I read as a screed, like the two points you just raised actually don't make any sense together which are on the one hand there should be price regulation of the new gTLDs. On the other hand, no one wants to buy any of them, sort of like no one goes there anymore, it's too crowded sort of philosophy I guess.

But, in any case, I do think fundamentally I think our competition and choice analysis attempts to get at the very question of whether the round has been successful or not. I think our analysis ends up in it with a qualified yes which is that it's definitely had – some people are buying names out of choice and over all that the new gTLDs are a substantial and important part of the market at this point. I think the Domain Mondo's comments strikes me as, "Oh, that's impossible." Therefore, go do it again without providing any real evidence to the contrary.

JONATHAN ZUCK:

Okay. Other questions related. So Jordyn, your thought is that most of what we need to do with respect to the Registries Stakeholder Group comments is talk to them about them and that there isn't more that we should try to noodle on our own absent discussions with them.

JORDYN BUCHANAN:

Yeah, I would say wait until after those discussions at least.

JONATHAN ZUCK:

Timeline competition issues. All right. I think that's what –



---

JORDYN BUCHANAN: I do have a quick comment. I do have something else to raise about the choice recommendations if you want to jump to those.

JONATHAN ZUCK: Yes, go for it.

JORDYN BUCHANAN: So, the main recommendation on choices, the one on the issue of defensive registrations which is basically see if there's a way to mitigate against the costs being born by trademark holders that have a large number of registrations. This recommendation didn't really get any support. On the one hand I think, we have groups like the NCSG saying, "Why would you protect these big name trademark companies?" On the other hand, INTA basically saying, "Oh, you're ignoring the plight of poor little companies." So we've sort of managed to create a recommendation that doesn't make the intellectual property groups happy and at the same time makes other groups push back on it as well.

So I guess I'm wondering if we make a recommendation, some people say no and no one says it's a good idea. Do we just say, "Okay, the community has spoken," and we drop it. I suspect that's not really what INTA would prefer as the outcome, but nonetheless they haven't really given us a lot of cover for it in their comment.

---

JAMIE HEDLUND: I think some of it would depend on at least the volume of opposition, right? If there is one commenter who opposes it and doesn't give a reason then there's nothing wrong with that recommendation being included. But if there's five or a dozen who oppose it and still don't provide a rationale then at the very least we would have to provide a stronger rationale for why we think it should remain.

JORDYN BUCHANAN: I think everyone gives rationale. The NCSG, for example, just says it doesn't seem reasonable to single out a particular class of registrants and try to create policy around them. And INTA basically says this is – maybe it's saying it's not broad enough but the way the response is written is more like this recommendation ignores a significant class of the problem. So there's various different reasons why people don't like it. Those are opposite reasons, in fact, but nonetheless there's no one saying, well, this is actually good and there's several different people saying no.

JONATHAN ZUCK: And by several, do we mean two, Jordyn?

JORDYN BUCHANAN: I think there's more. Hold on, let me pull up the shell.

JONATHAN ZUCK: Is there more opposition to it? The recommendation to look for a way to mitigate the defense of registrations among high volume trademark

---

owners, right? And so, the INTA survey actually doesn't make a distinction between – the survey itself doesn't make a distinction between small businesses and large businesses, but instead between owners of multiple trademarks versus and some of whom could be small, right? And so, in many ways, the recommendation maps to the INTA survey results, but that's not reflected in the INTA comments. And so, we, in our analysis of defensive registrations saw that the cost of defensive registrations was being born by a subset of trademark holders and that the average trademark holder was not bearing a huge cost of defensive registrations. And therefore, we made a recommendation to find a way to alleviate the problem for those high-volume trademark owners. And so, Jordyn's point is that the INTA comment doesn't provide cover in that it says, "Hey, you're ignoring the small businesses," which I think again, in the survey, invalidates that comment because the survey makes it about trademark ownership and which crosses the boundaries, small and large business. And then the NCSG says, "Why are you singling out multi-trademark holders for some sort of beneficial treatment?" I feel like the answer there's pretty straightforward because they're getting a specific negative result to the gTLD program. So, I mean, I feel like both comments are fairly innately flawed, but... Jamie, go ahead.

JAMIE HEDLUND:

You know, just one option would also be to say to punt it back to the RPM PDP and say they're better equipped to deal... or there's more of record, not that they're better equipped, but that there's more of a record there to address the problem for the next round.

---

JORDYN BUCHANAN: Well to be clear, that's what the recommendation is. It's for them –

JONATHAN ZUCK: That's exactly how we phrased it, so.

JAMIE HEDLUND: Never mind.

JONATHAN ZUCK: What we did was observe is that a subset of the community was negatively impacted by the New gTLD Program, so let's see if there's a way to help that subset of the community. It's pretty straightforward in that respect. And we don't actually suggest what that way should be. That's up to the... that's up to the RPM Working Group.

JORDYN BUCHANAN: Yeah, I guess... so there's three negative responses. I guess there are actually – the BC does indicate that it's supportive of this recommendation. And Com Laude writes a really long comment that maybe is supportive. We classify this as supportive? I guess did classify that one as supportive. So, it's maybe not as big as... and it's just interesting that on the one hand you get sort of the IP perspective saying, "This isn't good," and then you get the NCSG saying, "It's not great."

---

So I guess what do we do when... like let's maybe make this more abstract instead of this particular question. If we've made the perfect Solomonic decision, which is that we've made everyone a little bit unhappy, but sort of done what we think is like the wise thing but sort of is the correct solution even though it makes everyone a little bit unhappy. And so therefore, there's zero support for recommendation but we still think it's right. How do we think about our relationship to the community comments when there's very little support for a recommendation? Precisely because you might be getting both angles, right? Some people saying it's too much and some people saying it's not enough.

LAUREEN KAPIN:

Hey, Jordyn, it's Laureen. I think we're in that position for many of the comments where we're stuck between the, "You've done too little, you've done too much" critique. So, I think to echo one of Jamie's comments, it's up to us to be very clear about why we make the recommendation and what the goal is based on the data. To make sure at least that we're clear and why we're drawing the line in the way we're drawing the line.

The other thing I think we need to keep in mind is that – what have you received, 24 comments? But that doesn't mean necessarily that there isn't a very different level of support or lack of support in the community at large. I mean, we all know it's a reality that very few people pick up the pen to comment, but that doesn't mean that various stakeholder groups don't support or actually embrace our

---

recommendations, and I think that's something to keep in mind. We are seeing a very selected slice of perspectives here.

JORDYN BUCHANAN: Yeah. I guess with regards to that last point, it just feels like a little too easy for us to say that there's a silent majority that really likes what we said, even though none of them showed up to actually say that.

LAUREEN KAPIN: I don't think we can say that. But I do think it's something for us to keep in mind.

JORDYN BUCHANAN: Right.

JAMIE HEDLUND: Well, if we're going to go that route, then we have to be really sharp on the rationale for doing what we're doing. I mean it's as Jordyn points out, there's no way to prove that there's a silent majority that's out there. Particularly in the face of negative comments from a stakeholder group that's going to be affected by the recommendations themselves.

LAUREEN KAPIN: Where are we?

---

JONATHAN ZUCK: What did we settle on there, in terms of if there's zero support in the community, but it's for the opposite reasons and –

LAUREEN KAPIN: There wasn't. Jordyn just said there wasn't zero support that –

JONATHAN ZUCK: No. For that particular thing, right? But if we're caught in the middle –

LAUREEN KAPIN: Do we have that scenario where there's zero support? I don't know that we're... for the recommendations I looked at, there wasn't anywhere I said, "Oh gee, everyone hates this." It was always mixed.

JORDYN BUCHANAN: I could tell someone is talking but I can't hear anything –

LAUREEN KAPIN: Sorry, it's my fault. What I was pushing back with Jonathon on is I'm not sure, at least for the recommendations that I was focusing on, there wasn't a situation where it was, "Oh, we made this recommendation and everybody hates it. There's no support." That wasn't the scenario we're faced with. Most often it was, it was a mix of support, lack of support, and neutral. And I would actually say for the safeguards, it generally fell on the supportive category. Carlton?

---

CARLTON SAMUELS: Just to mention the follow-up there on what you're saying, Laureen. [inaudible] syndrome, an example of the heat map that he is talking about, that captured very concisely what you just talk about. You could publish it and you could have, you know, [feet] up. No?

LAUREEN KAPIN: [inaudible].

CARLTON SAMUELS: Yeah, it captures in one page, you know, comprehensive candidate on the people who supported this recommendation, the people who are neutral and so on. It might be a good way to collapse all of that in one place and you can actually publish it. It would be good to look at it. I just suggest you look at it and maybe use that as a model for publication of the comments.

JORDYN BUCHANAN: Yeah, I do agree. I really like the idea of the heat map. I think it would be helpful in thinking about some of this.

JONATHAN ZUCK: Does everybody agree with the idea of a heat map is a good one? All right, then... Go ahead, Jamie.

JAMIE HEDLUND: Yeah, but not as a substitute for analyzing the comments. Yeah, but on its own it's interesting what it will illustrate.



---

UNIDENTIFIED MALE: [inaudible]

LAUREEN KAPIN: It's a visual –

JONATHAN ZUCK: So, let's explore how we might do something like that. [inaudible]. No, they get used a lot to good effect, for sure. Nick, introduce yourself for the record.

NICK WOOD: Yes, sorry, Nick Wood from Com Laude. Because Jordyn mentioned us earlier. Our comment was broadly supportive, but it might help just to explain how we got to that position.

We held an event in London which we had about 95 different brand owners, all lawyers and law firms that work in intellectual properties. So, this is by no means a kind of a broad cross-section of the community. So, people we work with who are brand owners, who most of them have been impacted by the cost of defensive registration one way or another. And we work through this and we work through most of the other stuff before the RPMs. We kind of blended everything that's going on together.

We came out as broadly supportive because we felt that, to your point Jonathan, with the RPM review going on, and Jamie from what you

---

said as well, that actually we've got the opportunity to influence going forward within that group. So, that's where we kind of came out. I think that most of the brand owners that we work with on a daily basis, and looking here at David, you work with brand owners as well, they were uneasy with the first round because of the impact of a universe, which in their view suddenly changed from dealing with about 320 registries as we all know to a universe of dealing with about 600 open registries. So, it was impactful, but not many of them rushed out and bought defensive registrations because they couldn't afford to.

So, one of the points that we made I know was that actually under the kind of Rights Protection Mechanisms, lots of them waited until open registration because it made it more affordable, for example. So, is a registration under open registration a proper defensive registration if it doesn't occur in that phase? So, there's lots of nuances in here, but broadly speaking, we were supportive. So, that's just kind of anecdotal. So, I think the moving towards the RPMs group will be something that most of our clients would support.

So, sorry for that and sorry to be late coming in. I tried to get here and went to the wrong room.

JONATHAN ZUCK:

Thanks, Nick. And if you look at the report, our analysis of defensive registrations in particular wasn't about sunrise or non-sunrise, but it was instead about duplicative names and that was our attempt to kind of analyze and redirect. Figure out which registrations are

---

defensive it turns out, is quite difficult. Because people might, for PR purposes, create pointers and things like that that we can't necessarily say that just because it's redirected, it's defensive.

So what we did, look at duplicative names and saw some concentration of what, under our definition of defensive registrations, seem to be concentrated in a few entities as a whole. And I think that the INTA survey reflects that fact and as you just said, people didn't rush out and do defensive registrations even in the open area but instead – and David has been a good advocate for the IP community inside the Review Team – have in a sense reallocated their budgets away from pure defensive registrations towards cease and desists, greater use of Rapids, URS, etc., that there are other tools in the toolbox now, and that they're being used differently, but rather than that leading to a huge expansion of defensive budgets on the part of trademarks, it led to a reallocation of those budgets is what we seem to have observed.

And so, we welcome any corrections to that perception. But that's been our perception, is that trademark owners change the way they were spending money more so than that they on average, increased it by a great deal. Does that make sense?

All right. Jordyn, did that make sense? Did I summarize that well, because you were sort of in charge of that particular effort. But –

JORDYN BUCHANAN:

Yeah.

---

JONATHAN ZUCK:                      Okay. David, go ahead.

DAVID TAYLOR:                      Thanks, Jonathan. I think, as just more generally in all the comments we've gotten that's shown by what Jordyn was looking on that original one is, and actually what Nick said there when you said, "Broadly supportive," a lot of the comments to me, going through them go into some of the detail and comment on it and don't necessarily come out on either side of the fence saying, "Absolutely, we support this recommendation or not."

And then we've got our assessment here, which staff has done which is very helpful of how many are for, and how many are against, and how many are neutral. But when you look at that, we're trying to fish out, is that comment actually supportive or not? And then, as Jordyn was going through there, [you] might have said, "Jordyn, actually that sounds like it's sort of supportive."

And that's what's difficult, I think, I think for me, the important thing is to look at the comments and see what they say, and see what we can extract from that. Rather than necessarily a vote for "for and against" because at the end of the day, we're talking sort of it seems to be 16 haven't voted any way, two are voted "for," one's voted "against". But of the two that are voted "for" perhaps one of them is a little bit more neutral and when you start delving in, you don't get the answer.

---

I mean there's a few of them, I was just looking at recommendation 41, because Nick was in the room. Nick's there, the Com Laude [inaudible], one that's classed as a neutral comment. It's a very detailed comment, so it's great because we've got a detailed comment there, but it's classed as neutral. But it specifically states in the comment, "We support the draft recommendation." So, I'd take that up from neutral to for, and it starts flipping around the perception of that recommendation. But if you're plus one, minus one, or plus two, it's very hard to test the temperatures, even a heat map, it's got to be what color? I've done, it's all orange again. Yeah, so.

LAUREEN KAPIN:

Which also raises the very important point that everyone needs to really make sure that the public comments shell captures the more subtle nuances, where it's a long intricate comment that's actually supportive or not supportive but has been classified as a neutral, or classified in way that you actually think misses the mark. And the only way to do that is to actually read these comments and make sure that it's accurate on the public comment shell, especially if we're going to do a visual, like a heat map, we have to make sure that it's accurately characterizing a support, neutral, or lack of support.

JONATHAN ZUCK:

This is a pretty good segue, should we discuss the INTA survey further. David, do you feel like you're in a position to lead a discussion on what the findings of that are, and how we should take them on, and how it might affect our report and our recommendations?

DAVID TAYLOR:

Yes, Jonathan. Certainly we can discuss it to an extent. I've got a couple of points which I did want to raise. We talked briefly yesterday, I think just when you left the room, we kind of covered this point, which is probably why you left the room. But on the INTA comments themselves, they were suggesting there that the CCT Review Team should revise the schedule. So that's where we had, the suggestion of an interim report incorporating these studies. And also the DNS Abuse study. So that was the idea of those, and then going out for a public review and public comment period on those. And then prepare a final report only after those considerations.

So there we did touch on that yesterday and I was trying to just grapple with what does that mean if we do that and what does that put our overall time table because that sounds quite a significant addition. So when we discussed it yesterday, the notes I've just taken there, we'd said CCT Review Team would be – and I would consider the INTA study which we haven't done in detail and I noted we didn't have Nielsen come in in the same as we had the researchers, the DNS Abuse study and perhaps that's something we should have done, but obviously that was dependent on who had paid for the INTA Impact study. So we'd said we'd do that and set a deadline, which is one of our action lists so that we all do come up with that.

And with INTA themselves having spoken to Lori, they're absolutely willing to then take those comments on board and we can have a phone call for an hour, hour and a half, two hours with them and

---

anybody of the CCT Review Team who wishes to partake in that to discuss further and sort of have that aspect of discussion with the researchers which we haven't had, so whether we get Nielsen involved or not, I don't know. We can ask [inaudible] specifically on that. But that was sort of a way which we're going to go around and look at the study.

So I've got some sort of high-level takeaways which I've got four of them down, which I'm happy to share with the group or we can just do that briefly or we can leave it and then let everyone [inaudible] sort of slant things in one way. We've had Lori's summary back in May and summary –

JONATHAN ZUCK:

Lori's summary was pretty non-substantive, unfortunately, because the results hadn't been collated yet. So I don't think we've received any kind of an overall summary. And so if you feel like you're in a position to kind of raise the visibility of particular issues that think change what our perceptions of the team were based on the limited research we did on defensive registrations, for example, that we should take on board then I welcome that. I think it's still worth trying to find a way to have discussion with Nielsen or via INTA. I don't know what the best path is to doing that, but if you have some issues to raise or even if Nick has issues to raise from that, I don't know who's best to do that but I think now's the time to do it. So if you've got them, then bring them up.

---

DAVID TAYLOR:

Sure. I mean where they touch on what we've done. So the four points which I've got was basic while we'd gotten the New gTLD Program was aimed to increase choice. Has choice been a factor for the brand owners, and certainly going through the INTA study, it's pretty clear choice isn't a prime consideration. If anything at all, it just doesn't come through. And the principal reason is as we said then, it's quite clearly defensive registrations as why the brand owners have gone about registering is for defensive purposes. So I don't think that changes to what we've found.

Then the second point I've got was that the domain names registered by brand owners in the new gTLDs are commonly parked, so that ties in to our parking paper and how that goes about it. The question there it's not really creating any value by doing the parking for anybody, let alone not brand owners or anybody else for that matter.

And then there's been an increase in overall costs. You do see that coming out for brand owners. That's in a variety of factors except as you pointed to earlier, what we talked about previously. I think Internet monitoring is one of the ones which comes out as being quite high as one of the costs that it's moved to a monitoring basis rather than a massive defensive filing or massive UDRP filing. Those are sort of the other factors where we'd talk about the brand owners are tied up with cease and desist monitoring and figuring out what's going on.

On the dispute side I think stats which I've got there, which we didn't have in the draft report and which are quite interesting is 75% of cases, or more than 75% of cases are brought and they involve privacy



---

proxy. So that's not something we had as a data point so I think that's quite interesting that our privacy proxy discussions and the DNS abuse studies on that. About two-thirds encounter some level of inaccurate WHOIS. So again, that was a data point takeaway. But as you rightly said, we haven't gone any further.

INTA hasn't gone any further in looking at so we're hoping they're going to come back with some analysis. And then they're waiting for us, I think to come back with our thoughts and whether we're analyzing. I'm not sure who's actually analyzing the data which is there for INTA. I think everyone's thinking someone else is doing it. Nielsen aren't doing it and INTA haven't done it yet or in the process of doing it and we haven't done it. Hence, trying to join everybody up with the idea of we consider it, we raise some of the questions and then we'll put those together and get a call going or a meeting.

JONATHAN ZUCK:

Just a point of clarification, did the INTA study reveal a large increase across the board of average cost of – or was it just reallocation? That's I guess where I have some confusion. Have budgets for this stuff gone up in the trademark community?

DAVID TAYLOR:

Yes, there was finding of a definite increased cost for trademarking those, yes.

---

JONATHAN ZUCK: Jordyn has a hand up. Sorry, I'm not in front of that so. Jordyn, go ahead please.

JORDYN BUCHANAN: Thanks. I think that most of the points that David raises can and should probably be addressed in the choice section. That's where we deal with defensive registrations already. I think we have largely acknowledged the fact there that a lot of the sort of corporate registrations, or trademark registrations are going to tend to be defensive in nature. I think we can probably just supplement that discussion with some of the findings from the INTA survey.

I think the one point that's not addressed there is just the general increase in cost. The fact that they're not related to defensive registration, that feels like maybe that falls more in to the safeguard side of the discussion.

But I think your first three points, David, I'll consolidate pretty well in to the choice discussion. We can just pull those out and supplement that existing discussion there.

LAUREEN KAPIN: Yeah. I don't object to mentioning this as a choice issue because I think it's directly relevant. But there were specific safeguards focused on Rights Protection Mechanisms. So I certainly think we also need to include that just analytically in our section too. But I don't have an objection to making mention. I would object to surgically removing it from our content.

---

JORDYN BUCHANAN: No, I think the point about generally increased costs I think can tie in to that safeguards discussion in that it demonstrates to the extent that safeguards exist. They're not sufficient to prevent any sort of negative fallout on behalf of the brands. And I think there is some data in the INTA survey about those specific safeguards as well and that probably deserves to be incorporated. But I don't think that was specifically mentioned in David's sort of quick list there.

JONATHAN ZUCK: David, help me remember. At the last ICANN meeting, there was a whole data snafu that was related to cases, the WIPO data versus the ICANN data and things like that. Where and how do we need to incorporate those changes and have we done so? Because I remember that was a conversation after we released the interim draft and yet it was coming up in the meetings but it was very last minute. I want to make sure it doesn't fall through the cracks.

DAVID TAYLOR: Yeah, thanks, Jonathan. Yes, that was the issue that we'd got the WIPO data and the ICANN data and they didn't seem to be mutually compatible. We've gotten new ICANN data now, which [Eleeza] and the team have put forward. That'll involve a redraft of those sections obviously with that data.

---

JONATHAN ZUCK: And you're the drafter for that, those sections, is that right?

DAVID TAYLOR: I would presume so after the public comments, after the INTA study then I'll get on to that bit.

JONATHAN ZUCK: All right. Other points of discussion about the INTA survey or observations or things that we should be concerned about? Things we need to push back on? I mean is anybody concerned about the results, etc.? Because obviously once we incorporate the INTA survey results that will only inflame the NCSG further, I'm sure. Right? Is there anything that anybody sees as a hot button that we should try to deal with more diplomatically, etc. based on those issues?

Megan, please.

MEGAN RICHARDS: Thanks. Just a minor point and I'm sure someone will do this in introducing the results. As I recall, the sample was very small, wasn't it? In the INTA study? But only nine responded. Wasn't that the problem? I think there were only nine respondents, weren't there?

DAVID TAYLOR: I think there was 33 responses.

---

MEGAN RICHARDS: Are you sure?

DAVID TAYLOR: Yeah. Yeah.

MEGAN RICHARDS: Oh well, if that's the case then we're... I recall that there were a number sent, I thought only nine had responded. Anyway, the point relates really to the statistical relevance of it. So if the response was adequate, and there's no problem then fine. But if the response was not statistically significant and the statisticians can look at that, it might warrant a minor caveat in the presentation. That's all.

DAVID TAYLOR: Yeah, thanks, Megan. I think when Lori presented this, the issue is INTA weren't so happy with the number of responses but Nielsen had looked at it and said, "No, 33 responses after the total is actually quite a good response rate." So statistically, they were saying it was okay. It was more INTA were disappointed, "Hey, we've got all these members. More should have really contributed. It's a missed opportunity." And hence the discussion of whether the actual impact study was too complicated and that's where that went off, which is more in for future impact studies. How do you get the data without providing such a complex thing that INTA and the members and the brand owners can't respond to.

---

MEGAN RICHARDS: So the survey received 33 responses out of more than 1,000, which is a pretty low response rate. And I think that what Nielsen actually said was it was like the bare minimum of what you could accept. Not that it's a good response, but that it's more of a bare minimum. I would take all of this as very carefully. It's valuable data for sure, but it's a really small sample size. I would be very careful with it.

JONATHAN ZUCK: Oh great. What do we do about that? Not your problem.

MEGAN RICHARDS: You put a small line in. A small caveat, that's all. And you say it's useful for what it is and we've taken it into consideration. Next time a better, more robust response would be useful and indicative. No?

JONATHAN ZUCK: So let's try to include some caveat that makes sense, I guess, David when we're incorporating those elements.

Jordyn has his hand raised. Go ahead, Jordyn.

JORDYN BUCHANAN: Yeah, I think my caveat is similar to Megan's, which is just to point out the response rate and the mystical power is low. And I think the other thing that Lori pointed out that is, well we probably need to flag at least is that the responses are skewed towards I think larger respondents. Like it's not representative of the breadth of INTA's

---

membership. And so I think those are just caveats. I think as we discussed, the data's still useful. I think it provides a little bit more evidence to conclusions that we've already drawn. I don't think it's really changing anything that we're saying to a significant degree. So the fact that there's some caveats around it, doesn't really bother me from that perspective. But I do think we want to just call out the limitations on the data.

JONATHAN ZUCK: David, go ahead please.

DAVID TAYLOR: Thanks, Jonathan, yeah. Just picking up on Jordyn's point there. The caveat as it is which I've seen in here, it's giving the response rate we would say that results are an indicator of a trend and not the trend itself, which seems fair to me on what's being found. But hopefully further ones, future ones will get more data and we'll have the trend.

JONATHAN ZUCK: Other questions or comments or concerns? Okay. So, let's... Oh, go ahead.

LAUREEN KAPIN: Can I just put a request for when we get to the path forward part of the discussion that if it's possible, that we can come up with a concrete path forward for dealing with comments? If it's rife to do that or at least clarity whether we're going to start revising and then figure out

---

as a group how we want to deal with the comments in terms of either an appendix or something. I just feel with need a little more meat on the bones to clarify what consensus we've reached, if we have reached consensus.

JONATHAN ZUCK: On how to deal with the comments?

LAUREEN KAPIN: Yeah.

JONATHAN ZUCK: Yeah. So we punted that conversation a little bit until we're looking at some of the specifics.

LAUREEN KAPIN: Okay that's –

JONATHAN ZUCK: I think that we didn't reach complete consensus on it. And so there's a understandable lack of clarity at this moment but that we're going to revisit it as we come up with these buckets of things that have affected the comments and things that didn't. And then we'll revisit it. So the only thing we reached consensus on is that we're going to add a heat map on top of that. But that we still need to figure out how we're going to respond to the comments.



---

LAUREEN KAPIN: Okay. I was a little confused.

JONATHAN ZUCK: It was specifically the comments that don't have an effect on the report.

LAUREEN KAPIN: Okay.

JONATHAN ZUCK: All right. Other questions? Comments? I don't want to stand in the way of your lunch any longer than I need to. So I think this is a good time to break for lunch. And how long is lunch? Oh, did Jordyn have his hand up again? I'm sorry.

UNIDENTIFIED FEMALE: No, he didn't have his hand up again but I don't know if he's going to be able to call back in or –

JONATHAN ZUCK: Oh, with discussion to the parking paper. Is that what you're raising? Jordyn, I guess you're on the agenda to talk about the parking paper and we ran through your time. What does your day look like, Jordyn?

JORDYN BUCHANAN: I'm around.

---

JONATHAN ZUCK: All right, so when we reconvene that we can get you to talk a little about the parking paper. That's starting to be a tongue twister. How many pecks of pepper did the parking paper peck?

For the most part the parking paper is a manifestation of a consensus that we reached on the previous call. So I don't know that there's a large presentation that we had there. But, Jordyn I guess be on the ready to talk through where we landed there for the broader group if you would when we reconvene.

JORDYN BUCHANAN: Sure, happy to.

JONATHAN ZUCK: Thank you.

JORDYN BUCHANAN: How long is lunch? When should I dial back in?

JONATHAN ZUCK: 45 minutes, Jordyn.

JORDYN BUCHANAN: Okay.

---

JONATHAN ZUCK: 1:15.

UNIDENTIFIED MALE: I think through e-mail Jamie responded to Jordyn's rewriting. I responded and I see [Carlton] also responded. All the responses were positive. So that issue is probably mostly done. Unless there's something else.

UNIDENTIFIED MALE: Yeah, I agree. I would have liked some illustrations but –

JORDYN BUCHANAN: It may be a quick conversation. I will say that Stan e-mailed back [channel] and didn't like it, so we'll maybe have to deal with that. But he's also not on the call. So we'll have to work through that at some point. But in any case, why don't we revisit this after you guys eat?

JONATHAN ZUCK: Sounds good. Thanks, Jordyn.

UNIDENTIFIED MALE: Okay.

JORDYN BUCHANAN: All right. Bye.

[BREAK]

---

JONATHAN ZUCK: Jordyn, might you already be on the line? Earth to Jordyn.

JORDYN BUCHANAN: Yeah, sorry. It took me a minute to figure out how to –

JONATHAN ZUCK: Why don't we dive right in to the discussion of the parking paper?

JORDYN BUCHANAN: Sure. Happy to do that.

JONATHAN ZUCK: Thank you.

JORDYN BUCHANAN: So first of all, apologies for not sending around the parking paper until the middle of the night South Africa time. But I did send out a new redline, that redline's against the last version I sent around. So I accepted the changes from my previous edit just so it would be clear what was changed in this particular version. So this is not a redline against Stan's version anymore.

The changes are pretty straightforward as we discussed on the last call. They mostly just involve excising the data around the parking adjusted statistics. Since we I think came to the conclusion on the last call that since the sort of hypothesis around renewals didn't prove out,

---

that it was confusing potentially to include that data since we couldn't really explain why we would back out the parked domains from the market share of the market concentration figures.

As a result of this, I also changed the language on the recommendations slightly. Not the recommendations themselves which are mostly just more study maybe. Interesting here, but I did change the language to not refer to the fact that it may affect market share but just to say that we observe that parking was a significant phenomenon, that there was geographic variations to it. But based on our studies so far, we haven't been able to determine any effects on either competition, consumer choice or consumer trust from parking. And therefore it may be an interesting future topic because it is such a significant phenomenon.

As I mentioned, Stan e-mailed me overnight and said he didn't really agree with the changes although he didn't provide a rationale and I e-mailed him and suggested that it was the results of our discussion on the last call and we were going discuss it again today. But I haven't seen him join as a result of that.

So that's all I've got. Several other people seem supportive of the change and Stan may have been lacking the context from the previous call. I know that Laureen had been the person that had raised the concern about the paper being confusing previously so I guess it would be great to get her input as well as to whether it's been successful at fixing that. Thanks.

---

LAUREEN KAPIN: Okay, candidly I haven't had a chance to read it yet. Hey, hey. I was pouring through the ICANN organization comments for about the third or fourth time and looking on the ICANN website which we all know is not the easiest to navigate for information on the marketplace index, and the health index, and the DART initiative. So I could ask pinpointed questions to help our Review Team. So I get a buy for this one, but I'm looking at it now and I will give you feedback.

DAVID TAYLOR: Laureen, you were in the gym this morning.

LAUREEN KAPIN: This is what I did last night, David, before I went to recreational physical fitness activity.

DAVID TAYLOR: I read the paper I the gym this morning.

JONATHAN ZUCK: Jordyn, I'll say that it seems to reflect our discussions from the previous plenary about how to handle the parking issue in the context of competition and choice and I think it's wholly appropriate that we pull the market share and market concentration calculations. I guess what feels to me like still might be a little bit of an open issue is the impact on trust and maybe Drew can speak to this as the closest thing we have as representative of the Research Team on this. They did seem to indicate there was at least a small but statistically significant

---

correlation between parked domains and DNS abuse and Kaili brought this issue up. I think neither one of those would affect the inclusion of market share calculations but it might be too sweeping to say we found no correlation with consumer trust but I welcome others to speak up on that topic. By others I mean Drew.

DREW BAGLEY:

Yeah, I think that fact alone that they did find a statistically significant correlation between abuse and parked domains is worth mentioning. And then what I think we could do is, I think we could for the final DNS abuse report because they already made that finding, I think we could provide this parking paper to them and perhaps they could just do a correlation. They already did their own analysis of parked domains, but to the extent there's any variation or any additional data this would provide them, they could just show the correlation if we say the following five TLDs have the highest number of parked domains and then we see if that matched up with the highest rates of DNS abuse or whatnot. And that would at least be something that would be indicative of consumer trust.

DAVID TAYLOR:

I just add to that we could also compare the same TLDs on trademark abuse. See where it all links up.

JONATHAN ZUCK:

That makes sense. Kaili, go ahead.

KAILI KAN:

I just wonder if we within our report or something, to what you mentioned. Also we provide some kind of reference to that DNS abuse research or study, well just provide a reference for people who are interested. Here's you can look at. Also we're going to say something about there's some kind of not insignificant correlation between we're going to say. Include that and quote from that study. Okay, that's the reference we need. Okay, good, thank you.

JONATHAN ZUCK:

Right. So, Jordyn, circling back to you. Are you comfortable with that? Again, I think it's just that distinction that you threw out a caveat that we didn't find any correlation in consumer trust. This may be the one dent in that but may not affect the one competition in choice aspects of your paper. Does that make sense?

JORDYN BUCHANAN:

Yeah, I think that's fine. I think the extent that finding does exist, then we can document it and talk about the methodology. We should include that. I do think that probably implies that this is in the wrong section of the report. We should just list it in the Consumer Trust section in that if the interesting finding is related to consumer trust and that we said that we couldn't figure out the effects on competition and consumer choice, then I would suggest that we shift the document into the Consumer Trust section at the same time.



---

JONATHAN ZUCK: Or does it make sense for there to essentially to become two documents though? Maybe it's just the topic comes up in both sections. Because I think within competition the choice, it still makes sense to reference the analysis we did with respect to competition in the Competition section. So maybe it just gets split in half?

LAUREEN KAPIN: Well not even half.

JORDYN BUCHANAN: If I was reading this report, I would probably like it better if all the parking stuff was together. [inaudible] the other two different parts to learn about parking.

JONATHAN ZUCK: Okay. Drew, go ahead, please.

DREW BAGLEY: I think it's best left where it's at and then it would be referenced later when DNS abuse is discussed as one of the findings that there was a correlation between DNS abuse and parked domain names. Rather than the Parked Domain Name section being completely in Consumer Trust because I think it still primarily deal a lot with whether or not this is true competition going on and the health of the marketplace and everything.

---

JORDYN BUCHANAN:

Yeah, the problem that I think, Drew, is we don't really have our findings there. Right? We said, "I don't think we're ready to say that we're definitive this doesn't have an effect on competition or consumer choice." But I think we are sort of saying like we couldn't figure out whether there was an effect or not. Whereas we are saying that there is an effect on consumer trust.

In any case, I don't think we need to decide this right now. I think, Drew, maybe together this week we can figure out the right parts of the DNS abuse report to the data to extract into this. Or maybe just talk to the [inaudible] folks. And then we can just update, we can add another section about consumer choice to the document. Later on we can either move that text in to the Consumer Trust section or leave it together with the other stuff. But we can draft up some language and modify that last paragraph to reflect any findings on consumer trust.

LAUREEN KAPIN:

So I have gone through this now and I do think it's easier to understand. I would recommend maybe you have like one heading to sign post your topics about geographic issues, distinctions and parking rates? I would say you can add a couple of more headings just so in your descriptions of methodology we realize that's what we're reading. It's still dense in terms of its subject matter and I think just subheadings would fix that.

I like that you've now put the information about the change to the number of registrations in the footnote. I think that's a better place to put it so it's there but it doesn't assume more significance than it

---

should, so to speak. I think that was what we were talking a lot about during our last discussion.

And then just as to placement. Although I agree with your reflection that if we only have a finding about consumer trust and the rest is inconclusive, maybe we should rethink where this goes. I still think in terms of subject matter, what we're really grappling with in this paper is whether it had an impact on competition and choice. And even though you're unable to reach a conclusion about that, that's still what the paper is about. Then we have this lagniappe, this little extra tidbit that the DNS Abuse study did find a correlation and I think we need to make sure on the Safeguard Subteam that that is pointed out in our narrative and maybe we can cross-reference it here too, but to me this is absolutely more a competition and choice paper rather than a trust paper. Maybe we just delete the reference to consumer trust period and only handle it in our DNS Abuse topic section.

JORDYN BUCHANAN:

Yeah, I worry if it comes in as a little fact buried in the DNS Abuse section. It'll be hard for readers to connect the prevalence of the phenomenon with the fact that there is this correlation to abuse. But then again, it's like I said, why don't I connect with [inaudible] Johannesburg? We can figure out some additional text and then we can separately figure out where the text belongs in the report.

---

JONATHAN ZUCK:

John McCormick made a couple of comments. One is that parking by registrars can be misleading as a lot of retail registrations may be parked in the size of some registrars like GoDaddy, will skew the results. A lot of DNS abuse connections with parking may be false positives because is automatic for a lot of registrars.

I'm not sure what to do with that comment but I wanted to read it in to the record because he posted it. I guess I would need to more carefully examine the correlation in the DNS Abuse survey and what it is that they're measuring. But because I think there was just a correlation between a high percentage of parking and a high percentage of abuse which should control for the size of the registrar. But let's look at the DNS abuse correlation a little bit better because it almost got mentioned in passing yesterday.

So, Drew, I'm going to put it on you and maybe Brian to figure out the best way to phrase it. Okay? And Jordyn's hand is up again?

JORDYN BUCHANAN:

Yeah. I was just going to say I suspect, without having actually looked at the data yet, that the reason there's a correlation between parking and abuse if they're doing it by TLD, is simply that I think a lot of the really cheap TLDs do some sort of like, either their associated with like promotions where there's some sort of automatic parking page of the sort that John is referring to. Well there's just other factors leading to large amounts of parking because in situations where the domains are really cheap and then similarly what we heard is that really cheap domains tend to equal abuse.

---

So I think actually most of these things may just center around price more than anything else. I think the really interesting thing to do would be to look and see if there's a correlation between parked domains and abuse, like look at a SLD basis and to see whether the fact that it's parked leads to more abuse or not, or whether it just like happens to be the TLDs that have a lot of parking also have a lot of abuse, which probably is just a stronger correlation to price I would guess than to parking per se. So we'll need to dig in to the data to better understand that.

JONATHAN ZUCK:

Oh that's right. And as John notes, spam e-mails don't need websites and so that can lead to some false positives as well. Spam domain is often a throw away domain. That would cause a correlation with a parked domain then I guess, and spam. It is a direct correlation.

All right, anything else on parking? So the takeaway is that Jordyn and Drew are going to get together and expand that paper. And you're going to go back over the DNS Abuse paper in potential with Brian and figure out exactly what we can about that correlation.

All right, if there's nothing else then I think I will jump to Maguy to address some of the questions we raised yesterday. She spent all her night last night going over, pouring over data to provide us with a response, so thank you.

---

MAGUY SERAD:

And this is not part of the book, “Adventure Crime” that he wrote, or film. With me I have Jennifer Scott from the Compliance Team. Together we’re going to try to address your questions and hope to engage in clarifying further. Thank you, Lisa, for providing the questions in writing.

So no specific order what I’d like to do if it’s all right with you, Jonathan, take what I think is like the simplest ones and kind of dive in to more depth. One of the questions I think, Jonathan, you had is what is the vetting process for accrediting a registrar? Were there any signs that this particular registrar – and this one here we’re speaking about, Nan Jing – was a bad actor before they were accredited?

Yes, ICANN has and conducts very thorough review of applications and for registrar accreditation. This review is conducted by different departments including, and it’s not limited only to background checks, financial reviews, review of good standing documents and many other reviews, but the element that touches compliance when there is a contract renewal or a new contract to be put for a contracted party registrar or registry, they reach out to Compliance.

One, we check. Is this current? If it’s a renewal, is this a current registrar or registry? And we do a compliance check on it. A compliance check consists of us scanning through compliance ticketing systems, but also do like a quick look at the different aspects of compliance and generate what we call like a compliance checklist. And also determine if this registrar has any outstanding third notices or enforcements. So, by default if there’s any third notice or

---

enforcement, in effect Compliance sends a compliance response to the team responsible for the vetting saying, “We do not support renewing this contract until this issue has been resolved.” Or they get into compliance. So what better incentive there is to get someone into compliance than doing this?

Another aspect is if a contracted party is affiliated with another contracted party, we also do compliance checks on them. And the same thing, we provide our input to the team that is responsible for the accreditation process. It’s part of the process that drives that accreditation review. Now specific to were there any signs, I do not have any information on that. If you would like to, I think Lisa in your e-mail to me you have suggested it could be followed with a team to ask specifically if there were signs during the accreditation process for Nan Jing on this one. But that can be looked if there is data kept for that because I think accreditation goes back to 2015 or something – or 2014.

JONATHAN ZUCK:

Yes. And just to clarify, I don’t expect that anyone in their mind thinks that there were signs, it’s more about reexamining the vetting process to see now in retrospect if there were. Because I think we’re all on the same page that everybody did their best with the information they had at the time. But are there potential modifications to the vetting process that might have caught something now that we see the before and after that we hadn’t seen before. So you said that there’s a certain portion of that that touches on compliance.

---

MAGUY SERAD: Yes.

JONATHAN ZUCK: Was that the case with this particular registrar and did you end up doing some research on this registrar as part of their accreditation process or did that not touch compliance?

MAGUY SERAD: The aspect that touched compliance we ran a compliance check on them for that accreditation and I have to go back and see if it was a renewal or a brand new accreditation. If it's a brand new, there is no track record in compliance, we don't have visibility to it. But if it's a registrar that has, and is building on what they call "Family of Registrars" or affiliation with having a contract with ICANN whether as a registrar or registry, then we would have records of them. But for that period, there was no compliance alarm as I call it, or compliance show stopper for this.

JONATHAN ZUCK: Yeah, clearly there wasn't. Right? That's a [inaudible] almost. I guess if there's any way, I know that means reaching back, but if there is a way to see what data there was, I think we would be interested in seeing it if possible. That's all.



---

MAGUY SERAD: Okay, let me ask, like I said, we provide our input. I don't know where it's kept and documented but let me go back. But I'll get back to Lisa and try to find the right response for this one.

JONATHAN ZUCK: Okay, thank you.

MAGUY SERAD: Okay. The other aspect of this was what you call the study case. Now that it's been published, it's a notice of breach and there's been different aspects of enforcement on it. I wanted to specifically ask with regards you said they are now [de-accredited]. Can you share more about the complaints related to over to time. So when we publish a notice of breach, I'm not sure if this audience knows or has opened a notice of breach, or a notice or termination that we issue.

Once it's on the website, it starts with a notice of breach. In the notice of breach the front part of it are a summary of what the issue are about. Where what is the breach about specifically? But also in the process of issuing a notice of breach, as I said, we also conduct a compliance check. Because we don't want to handle it once case at a time. We do a holistic view of the contracted party. Are there other areas they're not in compliance with? We look at the tickets, we look at the different aspects of it. And we bring those forward in the notice of breach as additional concerns. Even if the contracted party is still in the process of addressing the issue, we bring a full picture about that contracted party.

---

In the bottom of the notice of breach, we do provide a chronology which lists the timeline of everything that's happened leading up to a notice of breach with specific items. So I highly recommend, take a look at the notices that are published and let us know if that addresses the question that you're asking about regarding the timeline and the issues. Because it lists the issues specifically and it lists what is expected to cure the breach, including the additional concerns. And it also puts a description or what we call additional details on the bottom, how it ties to which provision in each contract.

Then on the very bottom is the chronology. That chronology carries into... So we update the website if it goes from a notice of breach to a suspension, we note it. We also note it if it goes from a suspension to a termination. And in the termination is also the chronology and it's updated to reflect the suspension period and reflect the termination period. So the chronology is all listed in there to bring more transparency about it.

In addition to that, one of the other reports that you may be familiar with is on the Compliance Reports page where we publish enforcements that relate to a specific contracted party and what statuses it was and what they were in breach of. So there are different places you can look at it. The chronology is, and the timeline is, and the notice itself, but if you're looking, for example, it's not a fast search, you have to look at it alphabetically. There is an enforcement table that lists every registrar that has received an enforcement, what is it about, and if it went from a cured or suspended, or termination, what were the reasons that led it to that.

---

I'm happy to show you where these reports are. I can send a link to Jean-Baptiste to share with the team. So take a look at that and if you still have questions, we're happy to address them further.

JONATHAN ZUCK: Okay, so thank you. Please do that and we'll take a look. So by chronology, you mean all the way back to when you first received the first complaint about them.

MAGUY SERAD: That led to this, yes.

JONATHAN ZUCK: Okay.

MAGUY SERAD: Another question was from Carlton. Carlton you had asked, there were complaints about registries that do not respond to complaints about abusive behavior, in particular registrars on the timeline outlined in the RA and in the RRA. Can compliance provide information on complaints related to this?

So we have received complaints where the reporter will say that registries are not responding to abuse reports. The complaints that we have seen in those specific instances, ICANN reviewed and we requested additional information from the reporter because it's all about fact-based reviews. A reporter says, "I communicated, they're

---

not responding.” Well can you please share with us the communication that you sent? And by sharing the communication we can see the addresses, the date and time. We take that, review it, and say to the registry, or the registrar, “Why aren’t you responding?” Or evaluate it based on that contractual provision.

Now mind you, Registry Agreement does not have a timeframe to respond, right? But at a minimum we still can ask, “Hey, why aren’t you responding?” or “By when can you respond?” So we followed up with a reporter requesting evidence that they have contacted the registry so that we can follow it. And there was not response from the reporter. Exactly. So we’re not going to launch an inquiry just because somebody said, “I did.” Because we have learned in the past, especially with abuse reporting, if an abuse report needs to be launched directly with a registrar, because sometimes they come to ICANN and say, “Well have you initiated that with the registrar first?” Share the communication. And we ask the registrar to share the communication too. We do a parallel review to see if there’s a gap or there is a lack there or a breach of the contract and we review that accordingly. But when we do not have evidence from the reporter or collaboration to support the alleged non-compliance or non-response, we cannot pursue it.

So sometimes we take it even a step further, Carlton. If we’re receiving multiple reports on a registry or a registrar and even without evidence, sometimes we may launch an inquiry. But if it’s a one off, it’s not, we don’t do that.

---

Okay. Did that address your question?

CARLTON SAMUELS: Yes.

MAGUY SERAD: Now the last question I have here is Jonathan. Is a complaint about spam treated differently than a complaint about malware or phishing?

I would like to answer that. I'm going to ask Jennifer to jump in to make sure I'm answering it properly. Let's split that question in two parts: a registrar perspective and registry perspective.

So we all know and have memorized that section 3.18 of the 2013 RAA which is a registrar has to publish their abuse contact and it's in their duty to investigate reports of abuse. So when we receive complaints of that nature, we do not look at it if it's spam or not. If it's filed as an abuse complaint, we look at has the registrar responded and we look at the communications similar to what I shared earlier. So it's not about the scope of spam or not spam.

Now if Compliance receives just directly a spam complaint and expecting us to address it, we cannot. It's not in the scope of the contract. But if it comes via an abuse report that's been reported to the registrar on, then the registrar has the obligation to kind of follow and respond to that report.

Now from a registry perspective, the Registry Agreement as you stated I think also embedded in the other question, puts the burden on the

---

registry to enforce compliance on the registrar/registrant, that's back to that specification 113A. Now please don't shoot the messenger. Why specification 113A clearly states you shall include in the agreement and then the registrar and his Registration Agreement, you know that they need to apply and abide, and do all the what we call "the good acting." Right.

So in that aspect, if we have a complaint of this nature, we look to make sure it is in the agreement. We request a copy of the Registry/Registrar Agreement. We request a copy even of the Registration Agreement, if needed. But beyond that, we do not validate or look at reports of how they execute it. The fact that it's there, we may ask, again I don't think we've had complaints of that nature. But we can ask, "Have you taken action?" If we have a complaint and there is evidence, then we can ask that question. But this area has not been tested specifically. But I'll keep that in mind so next time we come to you, if there is one case we definitely can share with you scenarios or what happened and how it was reviewed.

This concludes the questions – the answers from us to your questions. But you have any other questions? Clarification to the answers we provided?

JONATHAN ZUCK:

Jordyn, you have your hand up.

---

JORDYN BUCHANAN:

Yeah, thanks, Jonathan. So yes, I do have a quick question. Just to come back to the registrar situation for a moment for this sort of spam versus malware approach. That section of the agreement refers specifically to malware and phishing, so I would imagine that you guys would always consider those to be abuses within the scope of that section of the agreement. But since spam's not mentioned there I guess, if a registrar were just to respond back to you and say, "Oh we don't think spam is abuse. By our policy spam is not a form of abuse. It's not mentioned in the agreement and we don't consider it to be abuse." Would that be a sufficient response to a complaint about spam?

MAGUY SERAD:

As simply as you stated, Jordyn, yes. And usually when there is a report of abuse, it's usually involved multiple things. If it's spam there's usually some other things related to it or evidence of some abuse. We don't dive in the middle of it. So we review each one on a case by case as you know. But as you stated it simplistically as that, yes. And that goes back to the comment I think Laureen and Jonathan you were talking about yesterday. Should your recommendation include spam in that list of things, as a working group, as a Review Team or not?

JORDYN BUCHANAN:

Right. I guess my follow-up question, Maguy, is does that actually happen in practice? Do you know if sometimes you get complaints

---

about spam and registrars just say, “We don’t consider that to be abuse”?

MAGUY SERAD: It has not happened.

JORDYN BUCHANAN: You don’t have to talk about specific registrars.

MAGUY SERAD: I would not. You know me better.

JORDYN BUCHANAN: Okay. So it’s not happening. All right, so, yeah, yeah. I know.

MAGUY SERAD: It has not happened.

JORDYN BUCHANAN: Okay. Because what we’re trying to get at is, what we see in practice is that new gTLDs, like there’s a large amount of spam on new gTLDs, actually moved from legacy gTLDs to new gTLDs. We’re trying to understand why and whether there’s any aspect of contractual enforcement that’s different that might lead to that shift in behaviors. It hasn’t increased the amount of spam so it’s not like it’s creating new problems, but the prevalence of spam has moved from one place to the other. But it doesn’t sound like there’s any actual practical



---

difference of enforcement. Like there hasn't been situations in which you guys have differentially enforced spam versus malware and phishing that would lead to that differential behavior.

MAGUY SERAD:

To answer it simply, yes. Correct. Your statement is correct. But I would like also, to remind the team that with the 2013 RAA, and the new Registry Agreement, Compliance definitely has a lot more tools to enforce, versus the 2009 agreement for the registrars. So the agreements are getting stronger and expanding in the scope and have given us additional tools. So that's definitely a positive thing.

JONATHAN ZUCK:

Which is part of the source of our... Oh, sorry, Jordyn. It's part of the source of our questioning. So that's why we're trying to get your help is that those expanded tools do not seem to manifest themselves in better than normal DNS abuse figures. Instead, particularly in the case of spam, it's the other way around. And so those expanded tools don't seem to be having the effect of having the new gTLDs be cleaner, if you will, than the legacy. And so the question then becomes, why not?

Waldo posed the question yesterday if it was just an implementation issue, which is why we asked about the vetting process and things like that. And is there something about the interpretation of those tools that is limiting their viability, or is it something in the wording of them, and that in fact, the new tools you've been given aren't sufficient because it's not reflected in the DNS Abuse Report as being, "Wow, the

---

new gTLDs with these new tools are much better.” And they’re not, and instead they have the highest growth rate of DNS abuse.

MAGUY SERAD:

So I think when it comes to the wording aspect of it, the fact that spam is not truly in scope is an opportunity or is an issue here in this case. But I also want to remind the team here, the description that Lauren gave yesterday about spam, it is unsolicited commercial e-mails. So, how is that defined in the abuse world versus not? It becomes a tricky – a bigger question beyond what we have the ability to kind of drive an enforcement on.

JONATHAN ZUCK:

We’re not seeing decidedly better rates of phishing or malware either. So, just setting aside spam, which we all recognize has the most distinct statistical characteristic and so therefore its absence might be meaningful, except you’re saying that as a practical matter, it hasn’t come up that way, that you’re like, “Oh, that spam, we can’t deal with it.”

So, in theory, that could be an outcome, but you’re saying it hasn’t happened yet. So, there’s still a reason that there’s more spam in the new gTLDs and it just may not be a compliance-related issue. It may just be price-related, for example.

But on the malware and phishing, what I guess we’re saying is the new tools don’t seem to be resulting in an appreciably better rate of phishing and malware in the new gTLDs.

MAGUY SERAD:

So, the new tools do help. Here's what we do. Like I said earlier this morning, we keep a very close pulse on media, on reports of abuse, and some of the abuse reports have shown some really high rates of abuse reports on a vast variety of things, not specifically spam. And what we did, we do launch some inquiries.

We took a couple of the names off that report, a couple of reports, whether it's media reports or reports we obtained from the OCTO Team, and we launch inquiries with the relevant contracted parties. In this case, it was registry operators for the specific TLDs, and the inquiry is about based on these reports and media, these are the rates. How are you following, how are you delivering on your Spec 11 (3)(b)? How are you ensuring this?

And we ask specific questions, and the responses and a sample of the report comes forward clean. But unless there is specific example – that's the next level we're trying to work with David Conrad's team on is how can we take it to the next level. And we need his expertise and his team's expertise to help us clarify that so we know how to approach it differently also.

So, we do launch inquiries. We validate reports. But based on what we see, of course, it's looking clean.

JONATHAN ZUCK:

Jordyn?

JORDYN BUCHANAN:

Yes, I was just going to say, Maguy mentioned specifically the 2014 RAA as giving compliance new tools. And it's worth pointing out that those apply across both legacy and new gTLDs. Like once a registrar signs that agreement, that compliance kicks in across both sides. So, that may be part of the reason why we don't see differential behavior between legacy and new gTLDs.

I'm not sure it's reasonable to conclude that these have had no effects. If we look at the trendlines on the abuse reporting, they mostly look like they're going down to me despite overall increase in volume of domain registrations and Internet activity in general. I'm not sure we can attribute that to ICANN compliance efforts necessarily, but the fact that the trendline is trending down I think is mostly a positive sign. Although it's pretty minorly down in most cases. But if you look at the start of those graphs and at the end, they're probably down 10% or more in most cases.

JONATHAN ZUCK:

Maguy and then Drew. Oh, and then David.

MAGUY SERAD:

The other thing I want to add is one of the CCT Review Team's requests is the ability to see the compliance complaints broken by legacy versus new gTLD. And I know the response was kind of bundled, but I hope you read in the bundling that we are working on providing that level of granularity.

---

In addition, we're also working on providing the level of granularity for abuse based on the contractual definitions and the safeguards. So, we're still struggling a little bit with those because it's a little bit more difficult to provide, but we're slowly now applying it to WHOIS inaccuracy, and you'll start seeing it – our goal is to a QA, because data integrity is critical, and to start providing you the breakdown of the complaints by legacy and new gTLDs.

And hopefully also based on the previous request you guys have asked of us that we were not able to accommodate in the past, so now we're going to proactively start working on it, is publishing those reports on an annual basis so you can look at it trending and all this stuff.

So, thank you in advance for your patience while we're building those reports, and hopefully by the next ICANN meeting, we can share with you what we've done, if not before you would have seen them and come forward with more recommendations for us.

DREW BAGLEY:

Maguy, I wanted to follow up on what you were saying a moment ago about how you launching queries from a variety of sources. One of them is media reports. And I was wondering, right now without any new authorities or anything, how would you anticipate using – or maybe not using – the DNS abuse reporting tool that Dave Piscitello's team is working on? Because from the little bit I've learned in the past year about it, it seems like that would be another source that would be similar to what you're seeing on the blogs and whatnot, where you would all of a sudden see spikes in abuse.

MAGUY SERAD:

Thank you, Drew, for your question. Actually, we had our first hands on look and review to understand that report about two weeks ago within our team. And our goal now – we already have a process established between compliance, OCTO and other departments at ICANN where either escalations or referrals come to Compliance.

This one aspect of the report is going to be more proactively where we kind of seek it. What we're trying to wrap our head around a little bit more is what we've seen is the high level. We require a little bit more depth or details, and that's that next level of discussion we are having with the OCTO Team, is a better understanding of not just the numbers, but the depths of some of it.

And if we can have even some cases where we can measure – back to your ongoing point, how do you baseline it? What is it we're trying to do? Is it just the numbers, but because – no, numbers can spike up and down and sometimes we don't even know why. But we want to be able to see what is the issue, what's that low hanging fruit and how is it being resolved.

And if it is truly an issue, usually we don't tell the registry operator, "You need to do this." We ask the registry or the registrar, "How will you fix this issue? What is your remediation plan?" And the remediation plan, they own it. they submit it to Compliance, we review it, it's measurable. And then we review it even over time.

---

If we see the same issues surfacing, then we come back to them, “Hey, you said you fixed it.” So now our process is even more escalated. It’s no more the one to three weeks, we go straight to an escalated notice, because our goal is once it’s addressed, it should be addressed always.

So, it’s a balance. We’re still learning. It’s called I think the DART report. Yes. We’re still learning. Hopefully, again, we’re going to attend a lot of the sessions they’re presenting here and the audience is different groups, also to understand and get an appreciation from these audiences, what is it they’re looking for, and what is an abuse from their perspective?

DAVID TAYLOR:

Thanks, Maguy. I’ve got a couple of questions. Going back to our question on whether spam is treated differently, and you’d said there that spam wasn’t in scope, effectively it isn’t in scope. My question to that is, why isn’t it in scope? Just thinking of in France, spam is illegal, across Europe, spam is illegal, so it’s clear that it is an illegal activity. Would that not help to bring it in scope? And what was the reason why it’s not in scope? Just for my understanding.

MAGUY SERAD:

It’s not listed. It’s listed malware and botnet. And again, as you heard me answer Jordyn earlier, we have not faced a specific case where it’s really an issue. And if it is really an issue, I think a lot of times, we find

---

the registrars want to collaborate and address it. But I'm not able to share with you a study case that's a fact-based one.

We have reached out to registrars in the past where we said, "Hey, not necessarily spam, but something else is not in scope, but we're hearing a lot about this. It's reputational for the ecosystem. Can you do something?" Just like a casual, not an inquiry. Nothing. And it worked.

So, there's always a way to collaborate to address issues, but specifically why it's not in scope, it's not listed like the others are.

DAVID TAYLOR:

Thanks. So, that's possibly one of our clear recommendations which we could have, that spam should be in scope for consumer trust going forward.

LAUREEN KAPIN:

But it still goes back to the general issue that spam in and of itself isn't necessarily an abuse. It's annoying, it could be a – as I say – gateway drug for phishing and farming and malware, but not all the time. That's why I think we could make a pinpointed recommendation that when spam is being used as a way to facilitate abuse, it should be within scope.

But what I would say based on my reading of the contract is that when it's linked with other abuses, it's already in scope, and Maguy's nodding her head. And how I understood Maguy's response anyway,



---

because those abuses themselves are listed. Yes. So, I just think we have to be very precise. But that's my view. I'm certainly open to other perspectives on this.

DAVID TAYLOR:

And I think that makes sense. And as you say, if it's linked to something else, then it is within scope. But I do just feel if it's something which is considered an illegal activity in and of itself, I think it's a recommendation which we could certainly consider making, because it does affect consumer trust.

LAUREEN KAPIN:

We can, although my sense is that this has jurisdictional differences. Spam may be illegal when it's done in certain ways in the United States, but that same behavior may not be illegal in Mexico. And I'm just drawing that out of the air.

UNIDENTIFIED MALE:

Or a Spanish rock [inaudible] or Gibraltar.

LAUREEN KAPIN:

Right, or Gibraltar.

MAGUY SERAD:

Or some [inaudible]

---

LAUREEN KAPIN: Right. Well, yes. So, it's complex, that that particular issue. Certain things we can say we know it is always illegal to steal someone's money no matter what jurisdiction you're in. But spam has a lot more jurisdictional complexities, I think.

DAVID TAYLOR: I agree with that, but I do think we do have that rule. And when registrars, registries, they'll take something down quite clearly if it is considered illegal in a certain jurisdiction. So if this is considered illegal in a certain jurisdiction and you would be guilty in that jurisdiction, then I don't see why there's any leg to stand on.

LAUREEN KAPIN: But again, I would say that's already in the contract, because there are provisions that basically say, "Thou shall not engage in illegal behavior."

CARLTON SAMUELS: [inaudible] all we're asking is that that kind of data as part of the contract is collected by the registry through the Registrar Agreement, and they should at least report on it.

LAUREEN KAPIN: So, we've shifted now though from the section on abuse to a recommendation that we collect certain data so we can measure this as a trend and identify whether this is a hotspot that deserves more attention.

---

So, I'm just clarifying that we've shifted what we're talking about. Because I agree with you, Carlton. I think spam would be a very important thing to collect data on because of its close correlation to abusive behavior.

So... aaah. Never mind.

DAVID TAYLOR:

I had a second question. I don't want to lose my place in the queue, it takes a long time to get to it. This goes back even further. This was about – coming back to the registrar issue and the registrar that was de-accredited, and the Registrar Accreditation Agreement which as you say, you have to fill that in to become a registrar.

There are certain terms in there. I've got those here. Number 19, whether you've got any conviction or disciplined regulatory body, and also whether there's any controlling interest. Section 19, section 20. What stick or what tools – when you mention the extra tools you've got – do you have to enforce on that if there's been a false declaration and you discover it?

JENNIFER SCOTT:

There are provisions in the RAA that allow for termination based on misleading or false statements in your application, including if – well, for anything that's falsely stated. But then in addition to that, there are also termination provisions where it comes to not – firing is not the right word, but if you're keeping on an employee or a Board of Directors that has as conviction or a felony for a certain amount of

---

time after that's occurred and knowing about it, then you could be terminated as a registrar for not taking action against – well, there's a provision in the RAA that addresses that, so I probably shouldn't try to paraphrase it. You can read that in the contract.

DAVID TAYLOR: And have you ever had to enforce that to date?

JENNIFER SCOTT: We have. We have had to use that I think at least once, maybe twice. And if you go back to those reports that Maguy was talking about where it breaks down the breach reasons by registrar, you can find that and which registrars that applied to.

DAVID TAYLOR: Thanks.

LAUREEN KAPIN: And I have a follow-up to that. Do you find out about that through complaints, or do you have a random quality control audit mechanism to take a sample and say, "We're going to look at ten registrar applications and check public records and see if they actually have convictions?" I'm just wondering how that comes to you, how you figure out if they're being accurate.

---

JENNIFER SCOTT: It's various sources. We do have an audit that looks at things like that on a periodic basis, but we also have gotten complaints from external reporters saying, "Hey, I can't get a hold of this registrar. I think they might have been in legal trouble." There are also media reports sometimes that come out about it, so it could vary on the source.

JONATHAN ZUCK: Maguy, I know you had an audit 230. Lauren just looked up the breach report for the Nanjing example. And if I can provide immediate feedback, it appears as though it starts in November of 2016. Well, right, but –

UNIDENTIFIED FEMALE: There were two breaches.

JONATHAN ZUCK: Two breaches? Okay, so obviously, I haven't looked at it in detail. But it looks like it's not – the chronology is specifically about your correspondence, so it says things like, "E-mail to registrar. E-mail from registrar insufficient to demonstrate compliance. Send follow-up." So, I don't know how to ask this without creating a lot of work for you, but the substance of that is missing from that chronology.

Because if we're trying to look at this to see if there were other signs or an inefficiency or something like that, A, it would be good if it – because this is a registrar if I understand correctly who had nearly

---

100% abusive registrations. And so even the description in the breach report is very gentle and political about that.

And so I'm wondering what the complaint volume was, what the nature of the complaints were, what it is they specifically said they were doing to address those – what this chronology was. Because what you have is like a correspondence chronology that doesn't have the links to or anything, the details of that correspondence. So, I don't know how difficult that is to put together.

That's why I was calling it like a case study, is can we see what that process was? Because it looks more like something like three years' worth of abusive activity on their part, and this is a chronology of the last year before they had their wings clipped. And so, is there a way to get to more detail on the history of their interaction with ICANN in terms of complaints and what your correspondence was with them, etc., so that we can get a sense of what that's like?

Because on the face of it, it feels like a long time to get from accreditation to disaccreditation for a registrar that was nearly 100% abusive registrations. Right? And maybe that was a characteristic that's only true at the end and wasn't at the beginning. I don't know the answer to that, but that feels like something that would have been glaring from the beginning if it was true. Does that make sense?

MAGUY SERAD:

Yes, it does make sense. So, I don't know if we have the tools to pull it in that aspect. It will require us to kind of take [inaudible] how can we

---

pull it. Let me think a little bit more about that, but let me also address a little bit about the notice of breach.

The chronology is specific to that incident, and it's a specific to either a ticket – so, the chronology, if it's – usually says – if it's a WHOIS, it'll say on the top of it WHOIS or Abuse.

JONATHAN ZUCK: Yes, there were four things listed. Yes.

MAGUY SERAD: Exactly. And it's relevant to that. In order for us to piecemeal all that, there is another breach that preceded it a few months before, and it was cured. And this one, it just did not get cured, which made it to suspension and termination.

So, I understand you're looking at the beginning to end. I need to think about it, Jonathan. I'm usually quick [trying to] solution, but this one is a bit more complicated.

JONATHAN ZUCK: Sure. And I realize it's a special case, but it feels like an opportunity to me to use Maguy Serad's vocabulary, right? It feels like an opportunity that we have something that had a relatively short lifespan, that had a relatively extreme quantity of abusive registrations, and made it all the way to the point of breach, so therefore the information could be public.

---

That's a unique set of circumstances that would be ideal to capitalize on, if possible.

MAGUY SERAD: Let me get [back to you] [inaudible].

JONATHAN ZUCK: Thank you. So, Maguy has a [hard out] here I think very soon, so if anybody else has compliance-related questions, please raise them forthwith, to use David Taylor's vocabulary.

MAGUY SERAD: You can raise them anytime, not just now. I really mean it. I said it yesterday and I said it earlier in the hallway. Your efforts into the CCT review is outstanding. Thank you for the depth of information you're providing. We put that out there based on what we think of it from a contract perspective, but now you are taking us to the next level, and bringing that clarity is helping us provide you that additional data.

Now what we're going to do is something we work on always with the Policy Team, is what is the issue, how can we measure success, and all this stuff. And that's something we also keep working towards but have not really been able to make big strides on it. As you know, sometimes people – it's not easy to put those measures together.

But thank you. Keep those questions, keep those requests coming, but be patient. It's not a Ferrari I'm driving here, but would like to get there one day and be able to push a button and give you the data. But



---

allowing us to sit here gives us a better appreciation of the opportunities, and good luck with the rest of the effort and thank you for your time today.

JONATHAN ZUCK:

What we have coming up toward the end of the afternoon is a meeting with the Board Caucus Group, which is a subset of the Board and who I believe will have the majority of their thoughts and questions informed by the ICANN org report that we went over with them earlier. So, I guess the question is – and that is how long is our session with the Board Caucus Group? So that’s an hour as well.

So, this is the time to think about refinements of the conversation that we had earlier this afternoon with Akram and Trang, and what questions we want to raise, what questions we want to try to answer, what clarifications we want to get. But I suspect that the majority of what they’re coming prepared to talk about is the same document. They haven’t made us aware of other issues that they wanted to cover.

So, Jordyn, you didn’t have the benefit of – I think. Were you online during the conversation with ICANN org? Okay, you might have been in the room but not on the phone. That’s why I was –

JORDYN BUCHANAN:

No, I was on [inaudible] during that time.

---

JONATHAN ZUCK:

Okay. So, we had a meeting sort of going over the ICANN org report, and sort of in two perspectives. One was to acknowledge some of the things that – issues that they raised, and try to provide clarification and see if that clarification sunk in to see if we were prepared to do what they asked, and the other was to seek some clarification from them on some of the questions and issues that they raised.

So, we did some of that. I don't know that all of it came up. So, I know that David had a couple of things he wanted to bring up in that session that didn't come up, but I don't know. Let's talk a little bit about what we want to bring up with – what questions we want to ask, etc., from the Board Caucus Group, and then we can also take their questions, obviously. This is the time to prepare for that meeting, basically.

How do people feel about the meeting we had this morning with ICANN org? And is there anything we want to improve upon this afternoon?

LAUREEN KAPIN:

I thought it was a good opportunity to have an exchange. That said, I felt that this morning session was more an opportunity for Akram and Trang to listen to us. Unless I misread it, I didn't hear many questions for them in addition to what was in the paper. I didn't feel that they came here with things that they wanted to discuss with us, and I think they may have perceived us to be putting them on the spot by asking them questions.

---

So, this to me goes to expectations for the session, and I guess this is a late, after the fact request, but it seems to me that maybe we should be clear about what expectations folks have when they want to meet with us so that we know what to expect. Because clearly, we were expecting an opportunity to ask questions, and I think we may have surprised them a little bit by the questions we asked.

Now, that said, I don't think we were off base in any way. As a refinement, I think we could be even more clear about our expectations regarding the first recommendation. I still think that that is a crucial recommendation, and we should be very clear about how we want to articulate that.

And you had articulated it so clearly and wonderfully yesterday, I would almost like to get back that part of the conversation, because you just like rattled off three things, three sentences with great clarity. And even though you and I were both trying to explain further what we meant, I still didn't feel it approached the clarity of your statement yesterday. And I would love to be able to go back to that and share it with this subgroup, because I thought it was so well done. Is there any way for us to get back to that part of the transcript yesterday, when Jonathan was talking about recommendation –

JONATHAN ZUCK: I felt like I said exactly the same thing.

LAUREEN KAPIN: You didn't, though.

---

JONATHAN ZUCK: I probably surrounded it with [inaudible]

LAUREEN KAPIN: That's it. It was more sculpted yesterday.

JONATHAN ZUCK: Maybe.

CARLTON SAMUELS: This way I want to start, because yesterday, the clarity in which you articulated why the data requests are relevant was very clear to me, and I remember making a note to me, "This is exactly what you ask them."

Coming here, I think we weren't as clinical as we could be to extract the kind of information we want out of them. I think Akram and company was more – their talking point was we need to be careful about what we ask for because of the costs and because it's outside of scope, and they tried a lot of ways to let you know that most of what you asked for is as much as they can give, either because of cost or because it's out of scope.

For example, the argument about the pricing data. I just find that – let us say, well, it's uninformed about the pricing data. I really do believe that. I don't see how you could come here and argue that you have a commitment to competition, and you have a situation where there are

---

price caps in two major segments of the market, and then you come and say to me that you cannot collect pricing data because somehow it's going to violate agreements. I don't buy that.

Maguy, in my opinion, I've been around this thing since 2007. To me, when anything like that come up, Maguy's been the most forthcoming about what is missing, what can be done. Even if you disagree with her, she's forthcoming about what they have, what is possible. And I find that acceptable, because at least I know up front. They tell me up front. She tells me what it is she has, what it is she knows she doesn't have, and the challenges she has to getting the bits that we are asking for.

I didn't find that with Akram and them. They came with talking points, and they kept to them.

CALVIN BROWNE:

I just have to disagree with you on the pricing issues, because I can see how the registrars and registries – particularly registrars – will see it as a competitive advantage. So, being involved in both of those, I can see why they would be very nervous when you start collecting that kind of data, and in fact might even tell you to get lost when you ask for it.

CARLTON SAMUELS:

I'm not disagreeing, Calvin, in that registries and registrars will tell you that they can't provide it. But in the course of all the conversations with ICANN and registrars, registries, at some point, you're going to have pricing data call. What they're saying is that we can't collect it.

---

I'm saying that, yes, you might have holes in the collection, but don't tell me that you can't have a positive, active capability to collect it, and there's a component part of ICANN that can curate it and make it available. I'm not accepting that at all.

ELEEZA AGOPIAN: What do you mean by make it available?

CARLTON SAMUELS: Published in some form, anonymized data. Publish data that you collect.

ELEEZA AGOPIAN: Of wholesale and retail prices of every registry and registrar?

CARLTON SAMUELS: Yes. And it can be anonymous. How you publish it is a different matter. But saying that you can't collect it, I don't agree with that, because in all of these transactions, you must have pricing data exchanged.

ELEEZA AGOPIAN: To be clear, I don't think anyone said that we can't collect it. I think the point that Akram was trying to make is that there are sensitivities around collecting it, not to mention the fact that right now, there's no contractual provision that allows us to collect it in the first place. So, right now, there's no way to collect it.

CARLTON SAMUELS:

Maybe I'm misconstruing when they said and said, "We don't want to collect it" then. "We don't think that we should collect it." Because I've listened to the conversations for many years, and the resistance to even – it's the same issue like saying we are a regulator. This is a [inaudible].

Let me give you a concrete example. The agreement with the Department of Justice said we must price cap and [command that]. Right? And it's there, right? And they publish what the wholesale prices are. They know that there's an impact on those price caps on other downstream pricing.

They know this, and when you hear it says, "Well, we didn't set the price. It's just the department that set the price." But it's not just the department that keep track of the pricing. The agreement is the agreement with ICANN that says you can only increase the price at a certain level over and over again. That is disingenuous to say that you don't have a hand in that. I really have a difficulty in understanding. And that's an argument that is going on a long time, but to me, it's about collecting data that you already have available to you, and finding some way to make it useful for other purposes.

ELEEZA AGOPIAN:

But my point is we don't have any data available to us right now.

---

CARLTON SAMUELS: I know that, but that is –

ELEEZA AGOPIAN: But you just said that we have data available to us. We don't.

CARLTON SAMUELS: No, collecting data. First you have to collect it before you have it. The reluctance –

ELEEZA AGOPIAN: And to collect it, you need a contractual provision to require it.

CARLTON SAMUELS: The reluctance is even to collect it. The reluctance is to even attempt to collect it.

CALVIN BROWNE: I'm just wondering how they're even going to force a registry to give them this data. They can ask, but the [inaudible] registries are not going to give them real data. And I understand our struggle with this, because it means that we're going to have a hole in our analysis here, but if they come to a registry, the registry doesn't have to give it to them, and doesn't have to tell about how many – it gets more complicated.



---

I can give you some idea. A certain registry – I’m not sure if I’m allowed to say it, but I won’t identify it. But they have these rebates based on geographic –

CARLTON SAMUELS: [inaudible]

CALVIN BROWNE: Right. So –

CARLTON SAMUELS: So they’re rebating, you’ve got rebate data and that’s a specific amount, specific percent. This is, again, Calvin, where I come from, we say [inaudible]. You hear the voice of Jacob. If you tell me that you are supposed to maintain competition, to see the competition in the marketplace, and you have not figured out how you measure competition, and you have not included some element of pricing information in measuring competition, then you should probably not say agree, that you’re going to see the competition in the market.

To me, there is a hole there in that argument that I just find remarkable, that you would still insist that you’re supposed to oversee competition in the market, but one element of the competition you simply over the years have not figured out a way to include that is a most important element.

And going to your argument of rebates, you know about rebates in the marketplace, right? The rebates are based on baseline data, so if you

---

come to me you say, “I will give you a 10% rebate on an item,” if you give me a 10% rebate and I offer you \$10, and you say your 10% rebate and you have paid \$9. That means that the price was \$10 to begin with. So, there are lots of ways you can estimate, you can extrapolate lots of data about pricing in a market. Lots of ways. That’s just one way of doing it.

Because even if the registrar will not directly hand you the data, based off market transactions, you can in fact gather quality data. That is something that can be done, and it’s done in other markets.

JONATHAN ZUCK:

Thanks, Carlton. And John [McCormick] mentioned in the chat as well, there are outside sources for getting at the data, transaction data and pricing that are sort of similar to what Analysis Group had to go through. It’s just high overhead. So, it’s not impossible to get. Eleeza says obviously it’s just impossible to ask them for it at this point directly.

And so let’s just remain sensitive to the willingness to get it, because there were issues raised about sensitivities around pricing, and we’ll continue to discuss those.

Jordyn, you’ve had your hand up for a bit.

JORDYN BUCHANAN:

Yes. So, I want to point out that it’s not necessarily the case that we need to think about gathering this data in ways that compels

---

registrars in particular to [inaudible] anything. A lot of this, particularly at the retail level, could be discerned publicly as we found with domainprice.es site. You can just go observe what a registrar is charging for each individual TLD.

And I somewhat analogize this to sort of something like the consumer price index or something like that in the U.S. You know, the government periodically wants to figure out how much things cost, what inflation looks like and so on, but they don't do this by going and issuing subpoenas to Walmart. They just send someone into the store and see what the prices are. And ICANN could sort of an observed method of determining prices without needing to make any modification to agreements.

Now, that doesn't necessarily help us get at wholesale information in terms of registries or charging registrars, but [inaudible] maybe we don't care. It seems like what we really care about is prices for consumers, and that can largely be observed.

The big exception to that would probably be [corporate] registrations because those I think – like companies like MarkMonitor don't have a public pricelist that you'd be able to figure out what they're charging. But so that particular sub segment of the market you might not be able to get at. But you could probably get quite broad inside what the pricing situation looks like without needing to make contractual changes, without needing to figure out data format from registries and registrars.

---

That's more limited data, but my impression is that it sort of more closely matches what you would expect in terms of having an understanding – that seems like the most common model for how price data is collected, as opposed to through these sort of obligatory arrangements.

Now, that may not be true, but there is explicit price regulation like with the price regulation through for a utility, like a water company or something like that where there is a monopoly in place. There probably is quite a bit of back-and-forth between the regulator and the utility in that case, but in more sort of free market environments, I imagine that most of the price [summaries] come in through these public sources as opposed to necessary compelling the companies to provide information.

JONATHAN ZUCK:

Jordyn, I think those are good points, and so then it just comes down to what amount of data is sufficient. I suspect if Stan were here, he would argue that competition among registries might only be reflected in wholesale pricing. Because if there's a problem with competition among registrars, and that might lead to a normalization of retail pricing despite differential wholesale pricing, but certainly getting the retail pricing I think is a huge step in the right direction.

Am I the only one who finds it ironic that people are using pricing as a competitive advantage and therefore need to keep that pricing confidential? I'm trying to think that through, because if I'm trying to

---

compete by having better prices, I feel like I'd want someone to know that I have better prices. But that's just –

UNIDENTIFIED FEMALE: That's what sale [inaudible] price checker apps, right?

JONATHAN ZUCK: Well, right, exactly. It's just a funny thing that I want to keep to myself my competitive advantage.

LAUREEN KAPIN: Calvin wants to [inaudible]

JONATHAN ZUCK: Calvin, go ahead.

CALVIN BROWNE: Yes. Maybe it's going to help to split this issue over retail and wholesale. When I was doing some work on the registrar side of things, I got a hold of somebody from a registry and I said, "Can I talk about the pricing?" And their response to me was, "I'm not prepared to talk to you about pricing at all, because the price is a competition issue." She thought I was coming from the registry side of things and doing an inquiry from the registry side of things, and was scared of the antitrust things, far as I could tell. Price fixing, litigation and so forth.

---

So, I think it really maybe helps to split – as has been indicated by [inaudible] in the chat, retail you can get. And maybe that’s enough to actually see if there’s competition, because that’s where you want the competition, is at the retail level. And maybe we shouldn’t worry about the wholesale level.

JONATHAN ZUCK:

I find that ironic as well, since the whole purpose of the new gTLD program was to create wholesale competition, I think. Right? I think everybody agreed that we had managed to create retail competition through the expansion of registrar community, and we’re expanding the number of registries in order to create competition in the wholesale market that we hope might have some downstream consequences for retail.

But the competition we’re looking for at this point is at the wholesale level, I think. Unless I’m missing something.

CALVIN BROWNE:

It might be a better [inaudible] but like I said, I got a reply that said, “Look, we can’t talk pricing with you at all because of the fear that that might be seen as price fixing amongst registries rather than registrar-registry relation.”

JONATHAN ZUCK:

And there are rules of organizations getting together and colluding on pricing for sure. And there are some that view ICANN like a kind of a

---

trade association. And so ICANN itself asking for pricing might throw up red flags associated with price collusion of something like that. But ICANN independently going out and looking at the market and market prices through other means I think probably does not fall in that category.

Laureen, go ahead.

LAUREEN KAPIN:

So, I feel we're getting distracted from our primary task, which is to prepare for this meeting. And I think we've had a good exchange on this issue, but I also think now we should figure out what we want to speak to the Board on. Pricing may be one aspect, but it's certainly not the only thing. So, can we talk about that?

JONATHAN ZUCK:

Yes, go for it.

LAUREEN KAPIN:

I would like to ask them if they have concerns that aren't expressed in this paper, since we're getting this subgroup which I assume is the self-selected group of people who are particularly interested in our issues. So, I would like to get a pulse about what they think that may not be expressed in this paper from specific people from the ICANN organization. Because that doesn't necessarily reflect the Board input. It's staff-driven, right? Yes, so I'm interested in that for one.

---

JONATHAN ZUCK: I'll make a prediction right now that most of their information about the report probably stems from that document rather than directly from ours. But I'd be interested, and I suspect also that their number one concern is going to be about cost.

LAUREEN KAPIN: Well, in that regard, I find the staff input incomplete – admittedly incomplete – because it's a guesstimate. Which is fine, I mean we make guesstimates all the time, but it's basically said we're measuring this in terms of fulltime employee hours, we haven't necessarily made a formal request to outside vendors, we're trying to extrapolate based on past work, but it's very rough.

So, it seems to me that we don't want to be in a position where we're allowing things to be deprioritized because there's an apprehension that it's going to be really expensive, when I think if we have actual information, we may be able to configure things in a way to meet that concern. I just don't want things to be preempted, because a preliminary assessment has been done regarding costs. But it's very preliminary and not necessarily reflective of what the actual cost would be. But Eleeza probably has more detailed information about how this was created.

ELEEZA AGOPIAN: Yes, it is a guesstimate, but it's a pretty well-educated guesstimate. For example for the survey costs, those are based on actual costs over the last two and a half years or so that we've incurred.



---

LAUREEN KAPIN: It doesn't say that. You're saying that, which is great and I'm happy to know that, but they caveated this. So, what I'm arguing back to Eleeza, and thanking her for that piece of information and reflecting that the document itself doesn't put it that way, and that would have provided me with more confidence in these figures. But that's not how they were presented.

ELEEZA AGOPIAN: Okay. So, at least for the ones where I provided estimates, it was based on actual costs incurred. Which is primarily for the surveys and studies, which is a large chunk of where the budget would go. It's to hire vendors to conduct these large-scale studies that are being requested.

LAUREEN KAPIN: So, and then even there, I would say, "Okay, are there other ways to go? Do we need to hire Nielsen?" Do we need to get the Ferrari, as Maguy might say, or can we make do with a Volkswagen? Can we have a less lengthy set of survey questions? There are still all sorts of tweaks we can do, as I said, I just don't want that to be a preemptive strike when actually, this something we can work towards a way to make it happen if there's a will to make it happen.

---

ELEEZA AGOPIAN:

Yes, absolutely. The reason for providing that was to at least provide some context of what implementation would look like. It wasn't necessarily to say this is out of the realm of possibility. Certainly, projects could be scaled back, or we could conduct – we probably want to conduct another RFP for surveys or studies, depending on what the final thing looks like. So, I think that's more than reasonable. But where we were coming from was based on the work we've done so far and based on what is being asked of the organization, this is what we think it would take.

JONATHAN ZUCK:

For the record, I'm asking, is there anyone else who would like to raise issues related to the Board caucus? Did you feel like you got satisfactory answers, or that you were heard in a satisfactory way on the recommendations under your purview in the previous meeting? Are there things you want to reemphasize here that we should make sure are on the agenda and don't get overlooked in the timeframe?

I realize the day is [waning] and everybody is flagging, but that's our next meeting with them, and so I want to make sure that we're covering what everyone wants to get covered. Megan, go ahead.

MEGAN RICHARDS:

I tend to agree with Lauren. So, I would give an extra vote if you need extra support for that position that Lauren mentioned. I think that's a good approach.

---

JONATHAN ZUCK: Which one is that, Megan?

MEGAN RICHARDS: Well, first of all, the discussion that we had with Akram was much more micro, let me put it that way, because they have these detailed provisions on how they estimate the costs, etc., which is fine. No problem. But that doesn't mean that any of those recommendations that we're proposing are going to be necessarily accepted by the Board, or put into effect. We don't know what's going to happen. Of course, that's what we would like to see.

So, I think the meeting that you're going to have now is going to be a much more high-level, macro level, intellectual, philosophical position on the importance of this, pushing it forward and implementing the results to make sure that the provisions that were identified in the – what is it called? The AoC? Anyway, it's in the Bylaws now, whatever it's called.

[LAUREEN KAPIN]: The Affirmation –

MEGAN RICHARDS: Affirmation of Commitments. Well done. Continue in any future rounds, and that's why this is important. We want to see what happens in the PDP process, we want to see what happens if ever a new round is established, etc.

---

So, I think that's what's more important. And going into nitty-gritty details, you'll just get lost. In an hour, there won't be enough time.

JONATHAN ZUCK:

Oh, I turned my microphone off. It's more about examples and things like that I guess, in terms of making sure we communicate in the right way with them. But let's definitely try to have those high-level conversations with them and see how they react. I'd be interested in asking them if they had to vote this up or down today, where they were on it or something like that too as a baseline. What are we working with? But that might end up being too specific as well.

Jordyn, go ahead.

JORDYN BUCHANAN:

Yes. So, I guess the things I would be most curious to talk about with the Board aren't necessarily reactions to the staff report, but just in general to understand how they currently – one of the questions that we're facing in the public comments is the interaction between the CCT and the other PDPs, and getting the Board's perspective on that would be helpful.

This came up earlier today, and I didn't jump in, but my view is not that we're necessarily sort of dictating terms to the policy process, but at least flagging the issues that we think are the most essential to resolve as part of, for example, the subsequent procedures PDP. I think there's some notion of timeliness. We need to make sure that we get that input to them while it's still relevant to their consideration.

---

But we've heard in the past that the Board considers the CCT report to be a prerequisite to any subsequent procedures or new introductions of gTLDs, and if that's true, then it seems like it's reasonable for us to sort of say, "Well, here are the things that we think are necessary in order to move on." But it would be good to get their perspective on what the interaction looks like. So, that would be one area.

Similarly, just getting their feedback to the extent we're grappling with issues around how do we resolve public comments, how are they going to look at public comments that where we decided even in the face of negative public comments to push ahead with a resolution, like what do they want to see from us in terms of evaluating those conflicts? I think those are the sorts of questions I'm most interested in. We can continue to engage in the staff with some of the nitty-gritty, but from the Board level, I'm sort of most interested in those two questions, I think.

JONATHAN ZUCK:

Both good points. So, let's make sure and ask those questions. Other issues?

All right, let's take a short break, a stretching break here. Everybody's achieved zombie status at this point, and I'm sure there's a full-blown David Taylor slideshow to represent the state of the team. So, let's take a 15-minute break.

Microphone. We need to talk a little bit about the way forward form here. To some extent, we had some nice philosophical discussions

---

over the last two days, but these have to now result in some drafting. And so we need to sort of figure out what our work plan is going forward. Some of the bigger things are incorporated in the DNS abuse report and the INTA survey into the findings and into the recommendations, but then going through the comments in the subteams, so probably what we need to do is schedule some subteam calls to go over some of those specific recommendations and the updates to them, and I guess we need to sort of figure out what our revised timeline is at this point.

So, Jean-Baptiste, perhaps you can start the conversation by telling us the timeline that we thought we were going to be on that we're probably not going to be on, but that's a good starting point for this conversation and what we're trying to do going forward. And then one of the things I can reach out to Lori but discussing with David Taylor, I think we really feel like we'd benefit interacting with somebody on the INTA survey and not just going over it ourselves. So, whether that's maybe trying to get Nielsen on the phone or something like that, and that request should probably come from Lori. And it could be in conjunction with the Internet group within INTA or something like that, just so that we can all get them on the phone to ask questions. Because apparently, they haven't received a presentation on the findings yet either.

So, Eleeza has made sure that we have had much better interaction with Nielsen than INTA has done internally. So, yay, Eleeza. So we just need to get them to do the same thing. So, let's try to get that on the agenda as well on the calendar, is that discussion.

---

It may not need to be with the entire plenary, it could just be a subset of people that are interested in trying to be on that conversation with INTA. So, we'll let people self-select into that conversation, I think.

And the roadmap final report is now on the screen, so maybe –

UNIDENTIFIED FEMALE: [inaudible]

JONATHAN ZUCK: Maybe I'll try to bring up the screen. [inaudible]

UNIDENTIFIED FEMALE: [inaudible] said that.

JONATHAN ZUCK: He just means it comes up on every call, whether you –

UNIDENTIFIED MALE: [inaudible]

JONATHAN ZUCK: What did you think he meant?

UNIDENTIFIED FEMALE: And moving the chat, [inaudible]

---

JONATHAN ZUCK: We certainly don't have any need for the video. Unfortunately –

UNIDENTIFIED FEMALE: And others too.

JONATHAN ZUCK: How many – do we have any observers besides [inaudible]?

UNIDENTIFIED FEMALE: We did have –

JONATHAN ZUCK: But not anymore. So, let's get rid of some pods and make this bigger is what I'm thinking.

UNIDENTIFIED FEMALE: Okay. Are you okay with that?

JEAN-BAPTISTE DEROULEZ: Sure.

UNIDENTIFIED FEMALE: Okay.

JEAN-BAPTISTE DEROULEZ: Or you know what? If you want to make it bigger, there's just this button just on your screen.



---

JONATHAN ZUCK: Yes, it's right here.

JEAN-BAPTISTE DEROULEZ: Yes, just to make it full screen. That would help.

UNIDENTIFIED FEMALE: Oh, okay. Yes, let me do that.

JONATHAN ZUCK: Full screen, yes.

JEAN-BAPTISTE DEROULEZ: But if you can, then –

UNIDENTIFIED FEMALE: There we go.

JEAN-BAPTISTE DEROULEZ: Yes, but it's the same issue then.

UNIDENTIFIED FEMALE: Well, I can – then I'll make it smaller.

JEAN-BAPTISTE DEROULEZ: Yes.

---

UNIDENTIFIED FEMALE: [inaudible] fit it with the screen.

JEAN-BAPTISTE DEROULEZ: Yes, thank you. So, what we have on screen here is the [run-up] to the CCT final report. So, we need to keep in mind that before this final report, as you already know, we will be incorporating the changes following the public comments, and also the different result that we have from the INTA survey and the DNS Abuse study.

So right now, if we look at the upcoming months, what we have in July, on July 10<sup>th</sup> we have the draft report public comment summary that is going to be published. So, we'll – as I mentioned on the last plenary call, we had an extension of this deadline, so this one cannot really be moved.

So, it's a question I think now – and Laureen, if you disagree, let me know – of for each of you were assigned with recommendations to get back to me with – is there an e-mail letting me know where there is an issue with the accuracy of how the comments were reported, whether some should be shown as neutral, for example, instead of approved. Or if there are no issues with the way we have reported it in the public comment summary, just to give us and send us an e-mail saying it's okay, we can move forward, this recommendation is fine. It was well reported in the public comment summary.

So, if you could do that just a bit in advance, like July 8<sup>th</sup>, so that's... Go ahead, Laureen.

---

LAUREEN KAPIN: I'm going to advocate to make sure we meet this deadline. I would say the meeting goes until the 30<sup>th</sup>, I think it would be reasonable to have it done that following week, perhaps by COB Thursday. What date is that? The 6<sup>th</sup>. So, by the 6<sup>th</sup>.

JONATHAN ZUCK: The [Inaudible] on the comments [inaudible].

LAUREEN KAPIN: Yeah, because in the ideal world, admitting that the world we live in is not ideal, people would be mostly done with this already. So giving you to the 6<sup>th</sup> should be more than ample time to get that to Jean-Baptiste, and then that gives you a little cushion to make adjustments as opposed to having to have a frenzied scramble to the end.

JEAN-BAPTISTE DEROULEZ: Thank you, Laureen. So on that as well so it will also leave us time to send a final version to the CCT Chairs to have their approval and publish that online. We also will be getting the final report on the DNS Abuse study mid-July.

UNIDENTIFIED MALE: We're getting to it [inaudible].

---

JEAN-BAPTISTE DEROULEZ: Okay, yeah. We don't have dates yet but it's mid-July, right, Eleeza, for the DNS Abuse? Okay.

And then in August – so if I base myself on the previous work plan that was approved – we had at the beginning of August we were planning on sending for public comment the draft final report which we might want to reconsider. I leave it up to you to decide. This was the beginning of August and on the second week of September that would be the close date of the public comment period and 15 days after the publication of the report of public comments.

So keeping into account that for the draft final report what we would do would be asking for public comments only on the new sections of the draft report. That's it. What we had in mind was to have our final report being published to the ICANN Board just before ICANN60 which is at the end of October, 2017 and beginning of November. I don't have the exact dates.

Any comments on that?

JONATHAN ZUCK: Just a question. I don't know if this has happened before – two public comment periods on the same document. When you say it's just on the new stuff, would we construct some sort of a subset document in order to enforce that or hope that people would figure out what was new?

---

LAUREEN KAPIN: No.

JONATHAN ZUCK: It feels like we almost need to create a document – it feels like make-work but I mean –

LAUREEN KAPIN: We should do an excerpt.

JONATHAN ZUCK: A series of excerpts. I don't know.

LAUREEN KAPIN: I don't think it'll be a series. I think it'll be a section on DNS Abuse and it may be a revised section on perhaps some of the RPM recommendations. I'm not sure – David can speak to that – and the parking section. That's new. My observation is that the parts that are going to be new are discrete and we could extract those. If we republish the whole thing it's going to be open season on getting comments for the whole thing –

JONATHAN ZUCK: I agree.

---

LAUREEN KAPIN: And then I think we're obligated to deal with that, so I think we put out for public comment the parts that are truly new get just comments on that. That's my recommendation.

ELEEZA AGOPIAN: So just to be clear – you wouldn't publish the report in whole at all?

LAUREEN KAPIN: In a sense there's a terminology problem here. I think what we really mean to say is that this next opportunity for comments is the second draft of the CCT report – the new parts of the preliminary draft. We can come up with a more eloquent term than that but that's what it is.

JONATHAN ZUCK: Definitely not the second draft.

LAUREEN KAPIN: Right. Okay. Whatever we're going to call it, what we're putting out for comment is just the new portions of the preliminary draft. The final report – at least in my conception – is once we get those comments for these new materials, we figure out how to respond to those comments and then there is a final report that gets published. That's the only way we can give a meaningful opportunity for this second public comment period on the new material. We can't just collapse those into one thing.

---

ELEEZA AGOPIAN: I was under the impression from one of our previous discussions that we were going to publish a red line and summarize the changes bringing readers' attention to those and asking for comments on those. It seems a little bit... I would say for transparency's sake, you would want to publish the whole report and show how it's changed as a result.

LAUREEN KAPIN: You could do that at the end for the final report, you can do a red line. But what's coming out now is not going to include responses to the first set of public comments. It's really just going to – at least as I'm understanding it – I thought it's just going to be including these new sections, and the final, final, report is going to include all the adjustments to the public comments. I may be misunderstanding.

JONATHAN ZUCK: Jamie?

JAMIE HEDLUND: Why wouldn't you want to publish a red line along with the new material and just say, "We're soliciting comment on the new material"? One thing that might happen is if you don't publish the entire document along with the new material, when you come out with a final report people are going to say, "You kind of hid the ball. You showed us these new changes but you didn't show us these other changes and so now we don't understand..." I guess you could explain the changes later, but I would think at the very least people are going

---

to be confused about where the new portions fit into the rest of the report and how it might interact with other parts of the report as well.

LAUREEN KAPIN:

That last point you made I think is something to consider, but where I think we would go down the primrose path is if we publish now our adjustments in response to comments and then allow a whole new set of comments on our adjustments as opposed to just putting out there the new parts.

JAMIE HEDLUND:

You don't necessarily have to address comments on the old portions if you say up front you're only going to address comments on the new portion. And then again, if you then wait until the end to publish the changes, it's going to look like you're hiding the ball because you had an opportunity to show everyone the interim draft and make it clear that you weren't accepting comments on it but that you're waiting to publish it until after the point when people could say anything about it.

LAUREEN KAPIN:

Are you suggesting that we should give two sets of opportunities for people to give public comments on the report? Then I'm probably just misunderstanding what you're saying.



---

JAMIE HEDLUND:

No. I'm not saying that at all. I'm saying for transparency you put out the whole thing, you put out the red line of the parts that have already been commented on, and you say, "We're seeking comments on these new sections which are here."

The good thing for that is, if there is a major pushback from the community on some of the old stuff we have a chance to go back and review that. We're not looking for it but if there is a whole lot of... I would rather have an opportunity to go back and change something that we got completely wrong rather than have the final report come back, go to the Board and the Board hear it from the community that we got something completely wrong.

LAUREEN KAPIN:

Isn't this whole process of public comment, though, supposed to... Isn't that opportunity already supposed to have happened? That's exactly what I'm saying – are we wanting to invite second bites at the apple when I thought the whole point of the public comment period in the first place was to say, "This is your time. Weigh in," and then we move on as we see fit.

I don't have any objection to your point about context. As you say that, I think that's a fair point. It perhaps is preferable to make people realize where these new sections fit within context but this suggestion that it's another whole opportunity for comments on what people have already had the opportunity to comment on I think is problematic.

JAMIE HEDLUND:

Again, I'm not saying that. What I am saying is, you put the whole thing out so that people see both the context as well as that we're not just putting out part of the thing and hiding the rest and you make it very clear that we're soliciting comment on the new sections and 99 out of 100 people will probably follow that.

What I'm saying is, in the worst case scenario in which a large portion of the community comes back and says, "You know, you didn't get what we said in our initial comments and this is really bad." We then have the option of looking at it. We also have the option of ignoring it because we've explicitly stated up front and transparently that we're only seeking comment on the new section.

JONATHAN ZUCK:

Let me give Jordyn a chance at the microphone even if hopefully it's on the same topic.

Jordyn, go ahead.

JORDYN BUCHANAN:

It is on exactly the same topic, yes. I tend to agree pretty strongly with Laureen that we should think of this as publishing – I put in the chat – a supplement to the preliminary report, and that's what we're seeking comment on now. As Laureen has acknowledged and Jamie has brought up, it is possible that there's going to be places where we're

---

inserting stuff in a way that requires some sort of context setting, and a red line might be more appropriate there.

For example, if we supplement the section on consumer choice and trademark protections with the INTA survey data, it might make sense to do a red line of that section as opposed to just sort of republishing new text or something like that because it's going to fit into a larger chapter. But there may be other places where there is just significant new text and it sort of lives on its own and we can evaluate that actually once we know what the text looks like.

But I have an even more sort of fundamental... I don't think we should think about this as hiding anything. I actually think that the attraction to me of thinking about this as a supplement and just focusing on the new stuff for the public comment period is that means that's actually all we need to finish by the time we send this for public comment in six weeks or something like that, and we can in parallel think through digesting all the other public comments. We're not going to wait until August but we don't have to have that finished by August and have all those changes made to the report. So we can continue to do that work while the public is commenting on the stuff that we publish in August so it gives us another month to sort of work through the other set of public comments. In my opinion, we should really focus on the new stuff between now and August with some background threads – people that aren't as involved with that information working on the other bits.

---

ELEEZA AGOPIAN: Thanks. I also wanted to remind you that during your webinars introducing the report to the community there were a number of comments [then] an interest in having another chance to comment particularly on new recommendations so there's sort of an expectation that there will be this period.

JONATHAN ZUCK: Right. If it's new [inaudible].

JORDYN BUCHANAN: Right, but Eleeza, that's for the new stuff.

ELEEZA AGOPIAN: Fair enough.

JONATHAN ZUCK: Calvin.

CALVIN BROWNE: As I understand it, we're talking about taking and creating a different document versus red line the current document. The first option seems like a lot more work than the second option to me. Especially when you can say, "Look, we're only going to comment on the red lines. We're only going to take comments on the red lines." It just seems a lot more work or am I missing that?

---

You also lose a lot of context, I think. I've seen when I've gone through this document where I need to skip from one place in the document to another place in the document and if we're only taking the stuff that we've taken out, it seems like a lot of work and then we lose all that context as well.

JONATHAN ZUCK:

Right. I guess it's an assessment of risks type of situation. Obviously, we put the entire document out, you run the risk of everybody seeing it as a free-for-all for rehashing comments. It also suggests that it undermines the idea of having a longer period of time to address public comments or else we're going to need to make clear that in the red line version that we have not finished the work – though we may have begun it – we have not yet finished the work of incorporating public comments, or something like that.

I guess there's sort of risks for each of the approaches and we should just figure out which one is the least amount of effort and the least amount of risk.

LAUREEN KAPIN:

I agree with you, Jonathan, and I think it's incumbent upon us to set expectations whichever path we choose. If we did a hybrid of Jordyn and Jamie's and Calvin's approach, we would republish the entire report with a red line of the new material only. We would not have any of our work changing or adjusting the recommendations reflected in that version because that would be something that's ongoing. And we

---

would also in our publication of the new report make clear that, “This is a new report giving you an opportunity to comment on the new material. We are still in the midst of reacting to the prior set of public comments. Further, we’ll be reacting to your public comments this round and the final report will reflect our responses to those comments,” and we can handle it that way.

JONATHAN ZUCK:

Yes. I guess we don’t need to overcomplicate it. Whatever we get done in time for this public comment can be reflected as red lines and we can say, “We’re only looking for comments on the red line,” or I guess it’s red line and blue text, right? Isn’t that the two – either new or changed stuff – and that it should not be regarded as complete. Something like that. I don’t know.

David, go ahead.

DAVID TAYLOR:

Thanks. I think it’s difficult to publish a red line which only takes into account some comments and saying that we’re reserving more time to have a look at the other comments because people will look at that and I think that’s complicated. I think either we do a full red line which incorporates the DNS Abuse, the INTA Impact study, and the public comments – and that may take longer than we have here – or we do a shorter document which just says, “Here’s the recommendations which come out of the DNS Abuse and the INTA Impact study,” but we

---

do not touch them on the public comments. I think to me, that's the logical choice. It has to be one of those.

JONATHAN ZUCK:

That sounds ideal to me. I don't know what happens in practice. For example, parking right now is a separate document but if it's somehow integrated into the consumer trust section then is that integration part of what's put out for public comment if the revised INTA survey results are incorporated into the competition analysis in any way but don't affect the recommendations?

LAUREEN KAPIN:

Yes.

JONATHAN ZUCK:

Then do we then put out the competition section even though we haven't incorporated everything? The problem is, what does that subset look like? I'm completely in agreement with you in principle. The problem is how we ingest both the DNS Abuse survey and the INTA survey, is not clear to me. It's not clear that it will just simply result in changes to recommendations. It may result in changes to analysis as well. And if that's the case, then you're releasing parts of the paper edited that you haven't gone through and fully edited from the standpoint of other public comments. That's the problem that I see with that approach.

---

That's the only reason I was suggesting saying, "We wanted to release this. We're focusing you on these areas," but release the entire paper red lined and this may not reflect all adjustments based on public comments. I don't know. I don't know the answer.

We could just do red lines that are just the result of those two studies but we don't want to wait until then to be starting to make red lines based on public comments. So then we end up with parallel documents or something like that. That's my monkey wrench in the works. Because I think they're likely to affect the [prose] as much if not more than the recommendations.

In fact, I think Jordyn who's about to speak has said that he thinks the INTA survey is going to have more of an impact on the [prose] than it is on the recommendations. Jordyn, go ahead.

JORDYN BUCHANAN:

One thing I think we should definitely not do is, as David suggests, include a version of the document that includes reaction to some public comments and not to others and also includes our changes from the DNS Abuse report and the INTA study because then essentially what we'll be doing is saying, "We've made a bunch of changes here. These changes are specific to the DNS Abuse report and INTA survey. We want your feedback on those things. We've also included some red lines on some other reactions to your previous public comments but we don't want your feedback on those things. That's just sort of the state of the document right now." I think that



---

would be super confusing and we'll get back really crazy, inconsistent, feedback and we'll have dug ourselves a grave that we will fall into.

What I would suggest is I do think we should keep separate the set of changes that are made in reaction to the public comments to the ones that we now produce as part of the INTA study and the DNS Abuse report and the parking bits. That follow-up that we were going to initiate ourselves we should include in the supplement report and I think you're right, Jonathan, that it will mostly red line the findings and analysis and probably won't significantly affect recommendations.

Maybe one way we can end up approaching this is to publish a stand-alone document that sort of summarizes what's changed and say, "This is what we'd like you to comment on," and then also include the red line of the entire report just so people can see the context but make it clear that what we want comments on is this sort of supplement and set of changes as opposed to the report as a whole and then just let people know that we're still analyzing the public comments and that feedback is going to come in the final report and we're not expecting reactions to the rest of this right now or we're not going to present any of those changes at this point.

JONATHAN ZUCK:

I'm just trying to absorb all that. So your solution to not publishing a red line that had some comments addressed and others not was to create a separate document that was like a reviewer's guide that said,

---

“This is the stuff we want to focus on,” but then do publish the document that has some comments addressed and some not.

JORDYN BUCHANAN: No. I think we will [inaudible].

JONATHAN ZUCK: So you’re talking about branching documents then. We’re going to have a set of red lines that are related to public comments and a set of red lines that are related to these and we’re going to somehow try to reconcile those [inaudible].

JORDYN BUCHANAN: No. I don’t think the [branch] should be significant because we should focus our energy right now on the new stuff. But it may be that some people will have time in cycles to start dealing with public comments and won’t be involved with the new stuff so they’ll just have to keep their changes separate for a bit while we work on the changes related to DNS abuse and INTA’s in the main document that we’ll publish.

JONATHAN ZUCK: Okay. So it could be that we set a deadline for finalizing those changes that’s sooner than what we’ve announced as the public comment deadline for it so that we’re not sitting on our hands necessarily on the public comment based red lines even in the competition and trust sections.

---

I agree with the approach of prioritizing – I’m just trying to get my head around this – prioritizing the updates based on the new information. So we’re going to focus our attention early on updates as a result of the INTA survey and the DNS Abuse report. And the final DNS Abuse report is due to us in mid-July, is that right? And we are scheduled to put a revised version out for public comment two weeks later. Is that right? Beginning of August?

So maybe the exercise here is to try and identify the sections that we’re going to try to keep separate for updates based on the INTA survey results and the DNS Abuse report, and begin working on those updates in parallel to the other sections that we don’t think will be frozen in other documents and then hopefully August 1<sup>st</sup> we can start incorporating changes to the things that we froze.

Does that make sense? I feel like I need a white board right now to describe that. In other words, let’s identify the section –

UNIDENTIFIED PARTICIPANTS:[Inaudible].

JONATHAN ZUCK:

Yeah. Exactly. Now I feel like I need to be able to know how to draw. And Jordyn, I apologize that you might not be able to see this or maybe I’m saving you for not having to be able to see this.

So if this is the complete report, what we’re going to do is separate out sections that we believe are going to be changed by the DNS Abuse

---

report and the INTA survey. That might be, for example, the competition analysis, the safeguards – I'd be curious what's going to be left but it might need to be more granular than this.

LAUREEN KAPIN: No. It's really going to be the DNS abuse part of the safeguards. It's not all of the safeguards.

UNIDENTIFIED MALE: [Inaudible].

JONATHAN ZUCK: No. That's right. So the existing DNS Abuse section, the competition analysis sections, and we kind of lock those to public comment changes and at the same time in a parallel effort look at areas like [app eval], trust, and safeguards, and then begin doing the process of red lining those for public comments and then on August 1<sup>st</sup> we ship version of the document that only has these red lines in it and not these, and then August 1<sup>st</sup> we begin to incorporate these into the overall document and then we begin to make the additional changes that need to be made based on public comment to these sections of the document. Does that make sense?

LAUREEN KAPIN: Except for the [inaudible] August 1<sup>st</sup> is the time for both getting that out for public comment and adjusting for public comment. Unless I'm [inaudible].

---

JONATHAN ZUCK: No. Sorry. Yeah. I'm talking about two different things, I guess. I'm calling them both "public comment."

So August 1<sup>st</sup> is the date at which we are putting out this subset red line for public comment. August 1<sup>st</sup> is also the date at which we begin to incorporate changes from the initial public comment.

LAUREEN KAPIN: Right. Okay.

JONATHAN ZUCK: That's what the distinction is. So that's the significant of this date is that these begin getting integrated into the red lined document and then we begin the process of making updates to the previously locked version of the document that then results in a final red line for the final report.

LAUREEN KAPIN: You're missing a step, though. You're missing the reaction to whatever public comments we get on the new update.

UNIDENTIFIED FEMALE: [Inaudible].

JONATHAN ZUCK: Yes. Good. Well I can repeat it. Like we're in a true Q&A here.

---

So then August 15<sup>th</sup> is a... right? I think that's what we had it in there scheduled. August 15<sup>th</sup> is when we begin the process then of red lining the new portions based on the public comments received on that. So we will have already had by August 15<sup>th</sup> incorporated the red lines from the initial public comments in both these sections and these sections and then at the end of the public comment period – which is not August 15<sup>th</sup> – it's going to be September 1<sup>st</sup>? September 10<sup>th</sup>. Oh my God. We're doing another 40 days for the –

LAUREEN KAPIN:

Well we can make it shorter, it's only [inaudible] material.

JONATHAN ZUCK:

So September 10<sup>th</sup> is when we start incorporating these and that leads to a final report. So in theory, we won't have that much to do after the September 10<sup>th</sup> and compared to all of this, we will have done by then. That's the theory. I don't know. Does that make sense to people as a path forward, that we identify those sections that will be updated, we separate them and lock them to only be red lined based on the DNS Abuse report and the INTA survey, but we can begin doing red lines based on public comments on all the other sections, and then come August 1<sup>st</sup> we'll begin red lining the affected sections – the previously locked sections of the report – based on the initial public comment period. Does that work? Does it make sense? Are you just nodding to get me to stop drawing? There's a reason I don't work for that company you guys use for any facilitation.

---

DEJAN DJUKIC: I have one question. When we will start to have subteam meetings to discuss public comments? Right after this meeting, I guess, next week.

JONATHAN ZUCK: Yeah. I would say a week from Tuesday or Wednesday probably.

David.

DAVID TAYLOR: The word “challenging schedule” springs to mind immediately on this and then it makes me think of double challenging schedule. I hear where you’re going on this but if I drill down to the new locked documents, we’ve got subteams working in parallel on the public comments then we’ve got the subteams where we’re going to reach out, we’re going to have an INTA group here who’s going to go back with comments, we’re going to read that report through, liaise with INTA, get a call with INTA and Nielsen and give them time to do that, and I can’t see all of that happening before the 1<sup>st</sup> of August. Or it could be tight before the 1<sup>st</sup> of August but then we’re going to have to draft it. So just on that alone I sort of see myself struggling a little bit to how that would fit together just even time-wise.

When we’ve put our comments back from CCT Review to Nielsen and to INTA, they’re going to need 10 days to look at it then people are going to be on holiday. We’re just going to get a struggle with people coming back with their feedback and then we have to integrate it.

---

JONATHAN ZUCK: And David, I guess I'm going to challenge the assumption that we're going to give them opportunity to come back to us. I feel that what we're really after is a Q&A session for clarity around the survey with Nielsen hopefully, and that that won't generate a list of comments or questions that we're expecting INTA to go back and answer but that we then come away with a better understanding of the survey that allows us to then make our red line. That extra step you have in there feels somehow very different than the other studies that we've incorporated.

DAVID TAYLOR: I suppose I'm matching it on the DNS Abuse study where we've had the meeting yesterday with the researchers and now they're going back and they've taken on board our comments and they're going to put that in with a final [inaudible].

JONATHAN ZUCK: Which won't happen with the INTA survey.

DAVID TAYLOR: But they may not be able to give us their responses.

JONATHAN ZUCK: The DNS Abuse report is not finished and so we were able in some ways to influence what might make it into the final report.



---

DAVID TAYLOR:                      Okay. Yeah. I see.

JONATHAN ZUCK:                      But the INTA survey has been in the field and is back again, and so at this point I think all we're seeking is clarity from Nielsen if we have questions about the implications or the statistical significance of different areas. But it's not something we want INTA's opinion about. It's going to literally be, "This is a data input and do we understand it sufficiently to incorporate it."

DAVID TAYLOR:                      Got it. So it's really we get our questions together and we put them back to INTA and Nielsen and then they reply almost on that day, are you saying, so if we have a one hour, one and a half hour call, they get back to us on that day and if there's something they need to check in more detail then they get back to us a couple of days later but it doesn't add a step in of a couple of weeks or something.

JONATHAN ZUCK:                      Right. Because they should be questions that are factual in nature as opposed to additional analysis or something like that. I could be wrong about that but that's my impression. We just need clarity on the implications of the survey results that we're reading because we're not pollsters. But I think INTA's no longer a part of that conversation, I think.

---

DAVID TAYLOR: Yeah. I get that. To an extent although I know INTA are wanting to put their own comments back, not to us but to Nielsen so that they've got their sort of view which is being percolated which obviously is of interest to know what their view of it is as well which should reflect in their comments which we've already had but well in the public comments.

JONATHAN ZUCK: Which would happen at the August 1<sup>st</sup> to September 10<sup>th</sup> comment period is when we'll get those and we'll get the chance to ingest those comments in September.

DAVID TAYLOR: It's just whether there is an overlap there because we've got the two things together so I mean you've got INTA comments on the public comments which tie into wait for the INTA study and then you've got the INTA study coming in so then commenting on the new bit of the INTA study but in the same time we have to put on hold effectively all the public comment bit which touches these areas until we've got the comment... It's two in parallel so I [as I say] difficulty but possible I suppose.

JONATHAN ZUCK: I think – and I could be wrong – that the linear nature of this is going to solve the problem that you're talking about. The very fact that we've

---

locked that section of the report for our responses to initial public comments is going to leave time to see the comment evolution from INTA because that's going to end up getting addressed after August 1<sup>st</sup>. In other words, if a subset of the team was focused on addressing incorporating the changes wrought by the survey and the DNS Abuse report and then the rest of the team were focused on initial public comments, around the time that we put this out for public comment is you'll have more feedback from INTA that you could then incorporate into your initial response to public comments that's gotten delayed because of the locked document, I think. I hope that made sense.

DAVID TAYLOR:

Yes. It does make sense. I suppose my inclination goes to the simpler way forward of doing a red line and telling people just comment on the red line and maybe taking a little bit longer over one red lined document because I think we'll have different things out for public comment and people might get confused as to what they're commenting on and what the repercussions of those comments are. That's all. I think that risks to be a bit confusing and if we've got one document coming out with a red line covering all of this which maybe comes out later – whether it's two, three, four weeks later – I think we end up with a simpler comment period. But I can see where we're struggling on this because there's not an easy answer. And of course then everyone's going to be on holiday which is going to mean whatever we decide doesn't matter.

---

JONATHAN ZUCK: I don't know the answer and I'm not trying to impose my will either. My inclination is to try and meet these deadlines and then miss them if we must but to go out and have everything be into a complete new version of a red line version of the document out for public comment, I think it would be difficult for people to resist commenting on everything. I think we should be aware of that likelihood. If we literally put out, as Laureen put it, version two or draft two of the document it'll be treated that way, I think.

DAVID TAYLOR: As Jamie said, only 1% would comment on the previous areas so we're safe.

JAMIE HEDLUND: Scientifically supported evidence.

JONATHAN ZUCK: Jamie's agreed to address the other 99% that were unanticipated so we're okay. I think we're in the clear.

The other thing that we want to try to understand with Jamie is your timeframe for database design issues and things like that because you had previously mentioned to me that you don't want to wait until October to get specific discussions going on implementation details of more granular data collection and things like that. And so if you can share what your timeline looks like for IT and database design so that we could set up a time for some subset of us to come to L.A. or to

---

happen in D.C. or something like that so that we can provide the input that you want sooner rather than later on the implementation details for that.

JAMIE HEDLUND: Sure. I can't provide a timeline right now but based on internal review of the recommendations that are there now, we'll do what we have to to implement, whether it's on existing systems or on the new systems. So I don't think that the availability or the migration to Salesforce is really the obstacle that I was concerned that it might be.

JONATHAN ZUCK: Okay.

JAMIE HEDLUND: The bigger concern was just being clear about what kind of data was being requested and how we go about making that data intelligible.

JONATHAN ZUCK: I think we're on the same page. Just to refresh our memories on the conversation you and I had, I took solace in the fact that what we're trying to do differently in this time around with the review is maintain some subset of the team to be engaged in the implementation phase of these recommendations, whichever ones are approved. And so I now reflect that question back to you. Are you now similarly comforted by that or do you believe that something else needs to

---

happen prior to what would otherwise be the implementation phase of these recommendations?

JAMIE HEDLUND:

As we get to the final review of the relevant recommendations, I just want to be able to confirm internally and then with the Review Team that we're aligned in terms of what data is being requested, what data is going to be published, how it's going to be published, where it's going to be published, all that stuff. It is comforting that you guys will be along afterwards to talk about implementation. My concern was that afterwards we wouldn't be talking about implementation, we'd be talking about what the recommendation really meant. And as long as there's clarity ahead of time about what the recommendations are and what the requirements are, I don't think there isn't a need to go over –

JONATHAN ZUCK:

Are you qualified to –

JAMIE HEDLUND:

No.

JONATHAN ZUCK:

And that's probably the wrong word so I apologize.

JAMIE HEDLUND:

That's fine, but the general answer is no.

---

JONATHAN ZUCK: Right. What I mean by that is, within this group, will we reach that recognition... I'm trying to figure out a timeline and a set of activities. Maybe I should back up and give my intentions. The reason I'm raising this is, do we need to organize a field trip that involves others on your team in order to reach that level of understanding [then] prior to the delivery of the final report, if that's what you're suggesting, or is your presence on our team sufficient to do that?

JAMIE HEDLUND: I think my presence on the team plus my interaction with Maguy and her team, that should be sufficient to make sure that we don't need a field trip. If there is a misalignment or whatever, I will come back and say, "We need to talk about that." But I think in the ICANN submission, we were pretty clear about... We understood what we thought we understood. Please go over our response again that we understood what was being requested and we would implement it.

I had an earlier concern based on what I was hearing about migration to the systems and also based on just other contexts where the Board and staff thought they understood something and another group that starts with a G thought something else and so I just want to avoid that kind of misunderstanding.

JONATHAN ZUCK: There's quite a few groups that begin with "G."

---

Okay. All right, good. That's all I was really trying to figure out is whether we needed to build into the schedule dedicated time for that. But you think that the conversations we'll have internally and the refinements and the addressing the staff comments, your presence in that combined with you calling back and forth will get that accomplished probably. Okay. Thank you.

Laureen, go ahead.

LAUREEN KAPIN: I just had a question, Jamie, just to make sure – are you approaching any sensitive deadlines in terms of software or platform changes that you would need our input on before irrevocable decisions are made?

JAMIE HEDLUND: Currently no. I'm not aware of any.

JONATHAN ZUCK: They're just doing a migration to Salesforce which will enable any of the things that we're asking for, I think.

Okay. So we have two proposals on the table. Let me see if I can kind of summarize them succinctly.

One of them is this mess that I painted on the board so I'll just call it the "messy proposal." No, but one proposal is locking a portion of the document and then doing a red line version of the entire document



---

that contains those changes and putting that out for public comment on August 1<sup>st</sup>.

Proposal number two – the David Taylor proposal – is to say, “Let’s actually get through both the changes wrought by the DNS Abuse report and the INTA survey and our reactions to public comments and release that on August 20<sup>th</sup> or something like that and really put out a true version to report but try to specify that where we’re most looking for comments is on these sections, these sections, etc. and hope that that’s the majority of the comments that we get back. Does that summarize your proposal?

Those are the two proposals I think on the table right now and we want to get consensus about.

Drew?

DREW BAGLEY:

I’m just going to add five more proposals and shake this up.

No. To add support to David’s proposal, what I like about that are a couple things. For one, with the DNS Abuse study, we don’t actually know the final date on which we will get the final study. We just know it’ll be next month. And so with that said, what if it’s the 25<sup>th</sup> that we get it instead of the 15<sup>th</sup> or what not? That would really make a difference with trying to get out this initial draft that only has a few of the sections edited.

---

And then additionally, just from the public comments I'm most familiar with, I think some of them our response to them will be affected in part by the changes we would make once we have the full data from the study and whatnot. And so that it might alter our recommendations. It might make some of the comments completely moot. It might I don't know, even embolden some of the comments. I'm not sure. But I think it will definitely have some sort of effect on our response to those so I would prefer to do it at a later date and all at once in a big comprehensive new draft.

DAVID TAYLOR:

Thanks, Jonathan. Because again, trying to sort of work through your solution, it was the timing. So there's A, the timing as Drew's just mentioned there with the DNS, and the second timing as I was saying there with the INTA part even if we skip out that last step and if we've got something where we do get – miraculously impossibly – we get something ready on the 1<sup>st</sup> of August we've still got then to wait we were saying until the 10<sup>th</sup> of September for the public comments and then at that point do we need a summary of the public comments on those sub-documents, sub-secure locked documents, and we have to wait for those to then build to the other master document which we're then going to publish for public comment.

So I just seem to see, for me, I see the two public comments somehow working against us which in a way, great, gives us more time so I can kind of go that way and I see where we are going but I just wonder

---

whether we end up that they're in parallel but then they shift out and at the end of the day they're elongated is just my thoughts on that.

JONATHAN ZUCK: Jordyn.

JORDYN BUCHANAN: Sorry. I keep getting kicked off. Whoa, it's very echoey. That's my fault.

JONATHAN ZUCK: Do you need to mute your computer?

JORDYN BUCHANAN: Yeah, basically.

JONATHAN ZUCK: Okay. Yeah, you're no longer echoing. Go ahead please.

JORDYN BUCHANAN: I don't understand David's last point because it seems like we've promised to give the public an opportunity to react to the changes from the INTA study and the DNS Abuse report, and I think we decided earlier today that we were going to use that opportunity as the substantive opportunity to respond to the DNS Abuse report itself. So of course, people are going to react to those things but the earlier we get those – the DNS abuse related and INTA related changes –

---

published, the faster we get those public comments back and the more compact the overall timeline is.

David's proposal just guarantees that we're not going to have a public comment period back until whatever – 25 days later – then the alternative Jonathan proposal, and so suddenly we're talking about not having our report even done by Abu Dhabi and just locking that in right now and that seems just like a pretty terrible idea, I guess. I feel like this timeline's already slipped out a lot and we should be trying to converge on the most aggressive schedule. But also I think there is like a zero percent chance that we'll get focused comments on the new content if we publish a V2 that includes our reaction to all of the previous comments as well. We'll just get like tons and tons and tons of comments that just reiterate. They'll just complain that we ignored them or that we didn't incorporate their change or whatever and we'll spend a ton of time reading through comments that are just completely duplicative of the first set of comments that we got.

I would be very reluctant to publish a red line that includes the reaction to the initial set of public comments because we'll just end up getting the exact same comments again or some variant of them and some very argumentative set of follow-up comments instead of constructive ones on the new content.

JONATHAN ZUCK:

Laureen and then David [inaudible]. Okay, Laureen.

---

LAUREEN KAPIN: I'm chiming in to support Jordyn. I think if we have both the new material and adjustments based on the prior set of public comments, I agree with Jordyn then, instead of getting a focused response to just the new material, we're going to get everyone who feels very strongly believing they have another opportunity to raise the same issues again, and that's going to create additional work for us.

I can see your perspective, David, about the timing and the challenges. But I think we get a more focused response if we just put out the new material.

DAVID TAYLOR: Thanks. Maybe I misunderstood something. Are we saying we get the public comments, there's not two public comment periods running one after the other. There's a public comment period just on the new information and then in the medium we then work up the public comments, pull it all together, and put a draft final report out which isn't for public comment? So there's no public comment on the final version without –

JONATHAN ZUCK: [Inaudible] clarity.

DAVID TAYLOR: Okay. No, just clarity. I'm not changing it. I'm trying to understand if that affects it.

---

JONATHAN ZUCK: We do not have the intention of having a second public comment period on the stuff we've already done.

DAVID TAYLOR: And no public comment on the comments and their integration of not.

JONATHAN ZUCK: That's correct.

DAVID TAYLOR: Okay, which is fundamentally different. I misunderstood that. I thought we were talking about do we put the public comments as red line – “Here's the red line version of the document which includes the public comments” – and Jamie was saying everyone's going to look at just the red line and only 1% will look at the old stuff and we're saying, “No, we can't do that,” but actually we're saying the public comments we're not allowing people to comment on how they've been integrated.

JONATHAN ZUCK: That's right. Nobody's ever done that.

DAVID TAYLOR: That's okay then. That's okay with me.

---

JONATHAN ZUCK:

So does that mean we're leaning back toward this plan? This plan could also have a little bit of a moving date that says that the launch of the public comment is two weeks after the delivery of the final DNS Abuse report. So if it slips a week then that slips a week, it's different than letting it slip until we've finished everything.

And let's just be aggressive about getting Nielsen on a conference call to answer our questions and things like that and see if we can hit the August 1<sup>st</sup> deadline for incorporating it into the report. And again, that may slip but let's try to set this as a timeframe and if we have trouble getting Nielsen on the line or whatever, then we cross that bridge when we get to it but let's say, "Okay, we have a month." Let's see if we can talk to them and incorporate the results in that timeframe. Let's be aggressive.

DAVID TAYLOR:

So David's proposition isn't as good as Jonathan's proposition but for the record I'm very pleased that Drew liked my thoughts.

JONATHAN ZUCK:

Any more discussion on this? How do other people feel about – let me just put out as a strawman the separation of these two so that we can be working in parallel and that we're being aggressive about trying to get the new stuff out for public comment sooner. I guess I'm putting my proposal in its best light. But do people have other comments about that? I feel like it's where we're ending up a little bit but I also

---

feel like I'm pushing and influencing that to be the case so I just want to make sure that if you want to push back on that that you are.

Can we try that? Can we try to set this August 1<sup>st</sup> deadline as – or we'll say two weeks from the delivery of the final DNS Abuse report we will launch a public comment on the new materials but that we'll start immediately on doing our red line based on public comment on the other sections of the report. Is everybody comfortable with that?

Laureen.

LAUREEN KAPIN:

Drew, can I ask you a question? Do you have a sense of how much you think the DNS Abuse report is going to change from what we have now to the final report? And my real question is, can we get started now based on what we know already in changing/drafting portions of the DNS abuse sections?

DREW BAGLEY:

I think largely with the conclusions themselves, that probably won't change. There will instead be an expansion where more inferences will be drawn. So short answer – yes, we can get started. But I anticipate that there will be a lot more conclusions that will actually help us better digest our other sections and thoughts related to trust and the safeguards specifically and what not as they draw more and more correlations. As far as things that could actually change is they are going to receive more data this week and so I don't know if they're going to incorporate that or have time to incorporate that or not. From



---

what we've seen with their report, I don't know that it would overall change anything radically but I'm sure it would change numbers and percentages a bit, but I don't know that that would change overall conclusions either.

JONATHAN ZUCK:

And part of what's coming in the final report that is not present in the current interim report are the inferences – the crosstabs of – and one of which was going to be the price, I think they said now that they would include. So that could end up being significant.

DREW BAGLEY:

I think maybe – unless I misunderstood – I thought even, too, they were going to look at notable security events like [CMS] vulnerabilities being exploited and seeing if that correlated with a spike and things like that.

JONATHAN ZUCK:

So it feels more like additions than changes, I guess, is the issue. So it does appear as though we can start and that our start won't be radically disrupted by the new report but there'll be additional information [inaudible].

DREW BAGLEY:

Right, because even if they add data, presumably I don't think it's going to change what these other reputable feeds have already

---

shown. So it would just be we would just be adjusting all of our precise numbers but not necessarily our conclusions we're drawing.

JONATHAN ZUCK: Okay. So do we have a plan [sort of we] feel comfortable with?

LAUREEN KAPIN: [Inaudible].

JONATHAN ZUCK: No. Sure. Lauren says we're all going to flesh out dates. I'll speak for her on my microphone so she doesn't have to turn on hers.

So those are the gross deadlines, is that we're going to put out something for public comment two weeks after the arrival of the final DNS Abuse report. We are still aiming to get a final report sent to the ICANN Board prior to Abu Dhabi. That's still our objective. So what we now need to do is take the time in between and try to break that up into smaller milestones – which I think is Lauren's suggestion right now – and begin, I think, with having subteam calls the week after ICANN rather than a plenary call because I think we need to delve into the actual reactions to...I think we've covered everything in these two days that we can possibly cover without doing the actual work of responding to these comments. So that's what's got to happen right away is probably assignments – which has already begun – of redrafting portions of the recommendations for clarifications, etc. and then subteam calls to then discuss those changes.

---

That's probably going to be... It might be unrealistic to have changes in time for that first set of subteam calls. Maybe that's where you'll have three days or something at that point. So what's likely is that the subteam calls the week after ICANN meeting will be to firm up assignments and stagger out and set deadlines for delivery of the updated recommendations and analyses based on the public comments with an overall deadline of... What's reasonable? Is August 1<sup>st</sup> a reasonable deadline for that? It's artificial but I think there's a point at which we'll want to be working on the other sections. I'm trying to think about what... It is artificial. We could say six weeks or something like that, I guess, for tackling the updates to everything that's not part of the locked part of the document.

What do you think is reasonable? I feel like Stan's already done with this part just as a benchmark. We'll have to discuss his things on the Competition Subteam calls. But I would like to set –

LAUREEN KAPIN: [Inaudible].

JONATHAN ZUCK: So let's set August 1<sup>st</sup> because then we need to return to plenary calls to then reconcile and give people a chance to react to the changes that were made in the subteams. Does that make sense? And we'll have a couple of plenary meetings and then by August 15<sup>th</sup> we will have reconciled those two.

---

That's Jean-Baptiste speaking for himself this time so go ahead please.

JEAN-BAPTISTE DEROULEZ: One question for the subteam calls that will last about a month. I just wanted to ask you how long should these be? Will it be one hour? Two hours for each subteam?

JONATHAN ZUCK: This is one of those exciting times where the work really needs to happen is homework and less on the calls, and so I think that the calls should be predominately to address challenges or issues associated with it and that people really need to be succinct on the calls. So I think they should probably be hour-long calls. Certainly this first one should only be an hour and then the next one, the time can be set based on what that process is going like. If there's a lot of issues that are coming up, but ideally people will get on the call and say, "Hopefully you've read the document I've circulated. Here's the one issue I wanted to raise with the subteam to see if you agree with my assessment of this comment X." And then get agreement in the hopes that everything else is more straightforward. That should probably be the use of the call.

LAUREEN KAPIN: [Inaudible].

---

JEAN-BAPTISTE DEROULEZ: Okay. And the only other thing I wanted to mention is a comment from Jordyn in the Adobe room where he is suggesting that the folks on our side want to look at the INTA study [inaudible] person to figure out what we want to do with it and then in parallel, work on setting up a meeting with INTA.

JONATHAN ZUCK: With INTA?

JEAN-BAPTISTE DEROULEZ: Yes.

JONATHAN ZUCK: Jordyn, just to clarify, I think we're talking about – go ahead.

JORDYN BUCHANAN: Yeah, I was just suggesting to take advantage of the face-to-face opportunity to see if there's the people that are interested in looking [in] more depth at the INTA survey. I think David suggested a new sub-subteam. Maybe we try to pull together a quick meeting of those folks while we're all together in Johannesburg over the next couple days.

JONATHAN ZUCK: Makes sense. I'm going to volunteer David as the coordinator of that meeting. So if you are interested in being part of the discussion on the INTA survey results, please reach out to David to be part of this sub-

---

subteam, as we say, that will in turn collect its thoughts and try to get on the phone with Nielsen.

Is that alright David? I'm going to have people send you an e-mail. And as Jordyn suggests, let's try to get together this week if we can to collect our thoughts and the questions that we have on the INTA survey.

LAUREEN KAPIN:

Just for clarity, didn't we also bring up that we really don't have a meaningful representation of the INTA study, that all we've had is this presentation that was at a very high level and what we need is something more detailed? I don't see how we comment and ask questions if we don't have something as substantive as we would like to comment on. Am I missing something?

DAVID TAYLOR:

Yeah, we've got two presentations. We've got the presentation which Lori gave on the 10<sup>th</sup> of May but then we've got a detailed presentation which is 75 slides which is the essence of the report.

LAUREEN KAPIN:

Okay. Thanks. That's helpful.

DAVID TAYLOR:

So that's the one we've got to drill down on.

---

LAUREEN KAPIN: Okay. Thanks. That's very helpful.

DAVID TAYLOR: Has anybody looked at that 75-page document? Funny that. Oh, Eleeza. Eleeza's going to draft a [inaudible].

I'm sorry. Just to follow up on that point. The group which we do have whoever wants to sit down and run through that, I can recirculate that 75 pages so I'll put that in an e-mail and that's what we need to look through and work through together and see what bits we don't understand and what we do understand and what we think is pertinent, etc. That's what we want to get our heads around, I think.

JONATHAN ZUCK: And then get on the phone with Nielsen.

And then also in this timeline, Jordyn and I guess Jean-Baptiste, do we feel like we have enough time scheduled with the Registry Stakeholder Group during the ICANN meeting to get the clarity we need with them or we only have enough time to get that conversation started and we also need to schedule a call with them? I'd be happy to hear from either one of you on that.

Do we have a separate meeting scheduled with them [inaudible] in addition to the 15 minutes?

---

JEAN-BAPTISTE DEROULEZ: Yes. Normally you should all have received an invitation for that. We have a meeting on Tuesday morning. Let' me check at what time. I think it's Tuesday at noon. Yes. Tuesday at noon for about an hour and 15 minutes, I think. And it's in Pavilion S8. So we'll have more time to [inaudible].

JONATHAN ZUCK: That'll definitely give us a good start into that conversation. We can assess afterward whether we need to do more. Is that everyone or is that a subset as well?

JORDYN BUCHANAN: That's a whoever can participate and is interested from both sides.

JONATHAN ZUCK: Okay.

LAUREEN KAPIN: And the scheduler shows the location, right?

JEAN-BAPTISTE DEROULEZ: It's not on the public schedule, I believe.

LAUREEN KAPIN: [Inaudible].



---

JEAN-BAPTISTE DEROULEZ: Yes.

LAUREEN KAPIN: [Inaudible].

JEAN-BAPTISTE DEROULEZ: Yeah. It should be in your e-mails, if you haven't –

LAUREEN KAPIN: No. I saw it. I just wanted to make sure [inaudible].

JEAN-BAPTISTE DEROULEZ: Yeah, it has.

JONATHAN ZUCK: All right. Does everybody feel fairly clear on what next steps are? Any questions about that?

Is your hand still up?

JEAN-BAPTISTE DEROULEZ: Yeah. Just a quick question. We would suspend plenary calls as we have subteam calls? Shall we plan plenary calls as soon as we have the DNS Abuse study results or will you need more time after that?

JONATHAN ZUCK: I think we should plan – and this is just me – I would love to hear from the group. I think we should plan a plenary call to get a presentation

---

on the final DNS Abuse report but I think we should postpone regular plenary calls until we're ready to hear reports back in from the subteam which I think we said is August 1<sup>st</sup>. Okay? So we'd schedule a special plenary for the presentation of the DNS Abuse report but then pick up plenary calls regularly again August 1<sup>st</sup>.

JEAN-BAPTISTE DEROULEZ: Thanks. Okay.

JONATHAN ZUCK: Okay. Now is the time to take a little bit longer break, get up, get your blood circulating again, because we have the meeting with the Board in half an hour. So you've got a half hour break, come back, and we'll be meeting with the Board Caucus Committee – Jean-Baptiste, go ahead.

JEAN-BAPTISTE DEROULEZ: If I can just get back to one action item that we discussed before a long discussion on the draft final report. So we agreed that we will need your feedback on the accuracy of comments for the 6<sup>th</sup> of July and we will publish the public comments summary without the action items. That's what we agreed.

JONATHAN ZUCK: That's right. The 6<sup>th</sup> is the deadline for getting your comments on the accuracy of the public comments summary, and the 10<sup>th</sup> will be the actual publication of the public comments summary.

---

And now we have a half hour break before the Board Caucus. What do they call the Board Caucus Committee?

UNIDENTIFIED FEMALE: [Inaudible].

JONATHAN ZUCK: Board Caucus Group for CCT, okay. That's going to be here and they're going to take over this corner of the table and... Exactly. All right everyone, see you in 30 minutes.

**[END OF TRANSCRIPTION]**