
RECORDED VOICE: This meeting is now being recorded.

JORDYN BUCHANAN: Is there anyone on the phone that's not in Adobe Connect? Alright, and does anyone have updates to their statement of interest? [AUDIO BREAK]

Okay, great. Once again, this is Jordyn Buchanan. This is the latest and greatest Plenary call for the CCT Review Team, making our final push towards our supplement to the draft report which will include updates based on information that we've received from the DNS Abuse Study, the INTA Survey and the nTLDstats Legacy Parking Data. I think the parking portion is fairly locked down. We had an extensive discussion of the DNS Abuse study, our DNS Absure write-up that Drew had put together yesterday but somewhat ran out of time at the end of that conversation, and then we can start.

We'll start with that and then we'll spend the last half hour of the call today talking about the initial inputs based on the INTA Survey, so that's the updates to the Consumer Choice Section that I drafted and then David sent around earlier today, a section on the RPM.

Why don't we go ahead and jump into the DNS Abuse discussion again. Drew, based on the discussion yesterday, did we have any specific follow on topics? You and David were sort of mid conversation on perhaps another recommendation, I think, at the end of the call.

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.

DREW BAGLEY:

Yes, thanks Jordyn. Basically where we are is we need to first agree on the two current recommendations as is and moving forward with those, and then David sent me an email to follow up on yesterday's call with two ideas for two more potential recommendations. I think we should certainly discuss those to see if that's -- and I think the way we go about it is discuss the topics right now, if people agree in principle on the ideas then David and I can go back and forth and draft recommendations and then circulate them, and then we can all agree or disagree on those going into the draft report by email.

But right now it's probably most helpful to quickly come to some sort of consensus on the two current proposed recommendations and to what degree they need to be tweaked before going out for public comment with everyone of course recognizing that just because they're going out for public comment doesn't mean that they won't be tweaked before the final form of course based on the public feedback we get or based off of ideas we come up with in the interim.

And with that said, I saw that both Waudu sent feedback and I incorporated all of his feedback, and then just before the call I saw that Kaili sent some feedback, and so we should probably discuss Kaili's proposal too since I don't specifically [inaudible] a recommendation cause Waudu's dealt with the body of the text and fixing that but Kaili's dealt with the recommendations, so could we please put the two recommendations up on the screen?

And I think unfortunately in the paper I sent around it had my random comments from the last call where I was taking notes on feedback, the

comments at the end only serve as reminders to me as the ideas that were expressed; ignore them, they're not pertinent.

So recommendation one, we have the recommendation to provide financial incentives to open registries to adopt proactive anti-abuse measures and then we've already spoken in detail about the rationale behind this based on the financial report, and so I just wanted to bring your attention to Kaili's suggestion, and Kaili suggests that we broaden the wording a bit so that we're not only recommending financial incentives because -- and I will read Kaili's feedback in case you haven't had a chance to see it.

Kaili says, "I don't think rigorous analysis was conducted on this including research on its pros and cons, usability, affordability, effectiveness, etc. Also, as we recommend such financial incentives, we seem to be excluding other possible measures which I don't believe we've carefully studied either."

So Kaili's recommendation is to change this language to instead say, "ICANN should consider providing incentives including financial incentives to registry operators with open registration policies that implement proactive measures to prevent technical DNS abuse and [inaudible]." I think we should discuss that but does anybody have any feedback on that suggestion on changing that language? Jordyn.

JORDYN BUCHANAN:

Hey Drew, it's Jordyn. I think Drew and I discussed this initial recommendation quite a bit in Johannesburg and sort of, at least from my perspective, I think it's worth thinking of the factors that went into

the financial incentives, which is -- it may be that we want to reformulate it away from just talking strictly about the notion incentives to maybe even thinking about just incentives as well. I think what we see in the DNS Abuse Study and from the other data points that we have, is the fact that if a TLD is both cheap and doesn't have either registration restrictions or other strong enforcement mechanisms for DNS Abuse Mitigation, that those are the TLD's that tend to be sort of I guess havens for DNS Abuse.

It makes sense, right? If you got a TLD that will let anyone register and doesn't really have very strong mechanisms to deal with abuse and it's really cheap, and of course if you're a bad actor, you'd prefer to use that over a more expensive TLD or one that has restrictions, etc. I think the idea was simply to start to put some amount of back pressure on the notion of having a TLD that is both really cheap and has no enforcement of any sort of anti DNS Abuse responsibilities.

I think one thing that stands out from the data that maybe we don't actually callout, and I don't know, Drew, if you agree with this even, is that it actually does look like XYZ for example which I think initially -- which has always had pretty cheap domains but I think at some point along the way they've decided to start implementing some anti-abuse mechanisms, and if you look at the XYZ specific graphs, there's quite a downward trend after they've adopted those mechanisms.

It does seem like it's possible to combine a cheap price with some anti-abuse mechanisms and decrease the amount of abuse but otherwise if registries don't do that, you still want to have some mechanism in place to sort of discourage them for having super low prices and no abuse at

the same time. So I don't know exactly what that is but I don't think we want to end up in that state where registries can decide that they don't want to do anything and have cheap prices and then have the internet suffer as a result.

DREW BAGLEY: Thanks for that feedback. Does anybody else have any feedback? Kaili, go ahead and then I'll weigh in.

KAILI KAN: Thank you, Drew. I fully agree with the original idea about financial incentives, including us providing [inaudible] other options. [Inaudible]

DREW BAGLEY: Thanks, Kaili. And Lauren, and then I'll chime in after Lauren.

LAUREEN KAPIN: Thanks both, Drew and Kaili, and Jordyn also. Can everyone hear me?

DREW BAGLEY: Yes.

LAUREEN KAPIN: Okay. My first comment is I wonder if this needs to be restricted to open registries and whether we might not be better served by having this apply to registries in general because it certainly could be the case

that even registries with more closed criteria lack anti-abuse measures. That would be my first observation, that we change this to registries.

I think in terms of incentives or disincentives that I like the idea of making the incentives more general and saying to include financial incentives, sometimes in many ways if we provided incentives and it's a benefit the fact that someone isn't getting it is its own disincentive, so I'm not sure we need to say disincentive explicitly, that may be implicit.

In terms of Kaili's language, I think the real difference here is how strong we want the language, with we want to add that word "consider" or not. Those are my two basic comments. I think this is an important enough topic that I would be in favor of not putting the word "consider" in there and I'm just recommending ICANN provide incentives including financial incentives to registry operators that implement proactive measures to prevent technical DNS Abuse in their zone.

DREW BAGLEY:

Thanks, Laureen. David.

DAVID TAYLOR:

Yeah, thanks Drew. I think this ties into our discussion yesterday and where I was going on that DNS Abuse generally and the registration policies, and for my part, I feel we should be going stronger on this, but I may be in the minority on that, I'm not sure. Cause we're seeing this abuse, which is [inaudible] proportional to the stricter registration policy as you said; when it's completely open, we are seeing abuse and we're seeing some certain TLD's with an incredibly high level of abuse

and I just wondered whether we shouldn't be more forceful and suggesting that there's a requirement to clean up the abuse rather than incentives, that we should say if you reach a certain level of abuse in a TLD you shouldn't really be doing what you're doing at all, so you should be clearing it up and/or adopt stricter registration policies.

That is where I was going with that sort of thing and we're sort of talking whether it's another recommendations or this one, but I thought I'd just raise that because that's my feeling.

DREW BAGLEY:

Thanks, David and Carlton. Carlton, we can't hear you if you're speaking. [AUDIO BREAK]

Carlton, are you there? We hear a lot of static and noise. Carlton, I don't know if you want to reconnect or just try typing your response and I'll read it. Some reactions I have to what's been stated so far is going back to Kaili's suggestion in general, I think that that's a good idea not to only name financial incentives and also open the door for other incentives that could be used to encourage the type of behavior, however I don't want a recommendation to just be considered, I would like us to actually recommend that incentives are provided.

To the point brought up by Laureen about making this applicable to all registries, I see some problems in that just because of the fact that you could get a brand registry or a highly regulated dot.bank type of registry that isn't going to have the same sorts of abuse issues and yet they'll adopt whatever anti-abuse measures and then get a discounted price,

however they weren't part of the problem to begin with; and so that's something where their business models would be completely different.

With that said maybe that's okay but that's just something we have to consider, is that the type of registry we're calling out here with this recommendation as written is one for which the other variables that the researchers identified are not able to mitigate abuse, such as registration restrictions and price. So that's why the TLD's that these registration restrictions and/or high prices are not the problem we're going after, so this is kind of worded to go after the problem and then we have seen, as Jordyn mentioned, XYZ for example, adopt a pretty robust proactive anti-abuse system. They developed their own home grown system that they use to monitor abuse because of all the issues they had and I think that's the type of behavior we're wanting to encourage for any of these registries that are completely open.

Those are my thoughts on why we're being targeting. I'd love to get some more feedback if you think we could still accomplish that same goal and it still would be a true incentive package, even if we're saying this applies to all registries, and if we're saying all, then we are including ones we didn't even really carefully look at such as brands, then let me know what you think there.

In terms of why specifically we're saying financial incentives, we know that financial incentives particularly for a small registry are going to be helpful with encouraging behavior. Because if you're a small registry and you're deciding whether or not you're going to add something extra to your system to be able to be proactive about things, financial incentives would be a strong incentive to encourage some sort of

behavior. At a high level, our goal with this is to encourage behavior that mitigates this problem we've identified.

With all that said, I welcome more feedback on how to fix this but in general I like using some of the language Kaili suggested to broaden that recommendation a bit. I'll read from the chat to see if Carlton was able to get his point out.

Carlton, we can't hear you if you have been trying again to speak. Carlton, I recommend typing out. We can't hear you.

Jean-Baptiste is offering to call you, Carlton. So we'll wait for Carlton's feedback, but in the interim let's try and I guess hit somewhere here where have more consensus, even if this is not yet a perfect recommendation because this is intended to show our thinking and show a form of recommendation that we're going to propose so that we can get feedback from the community and that in fact will probably help us make this stronger too. Or if Jonathan was on the line he would say that that wouldn't necessarily be the case, but since the pessimist is not here, I'm going to say it's going to help us make it stronger.

LAUREEN KAPIN:

Can I jump? Because I think there's a little bit of a conflation going on in the chat and I think it's useful to separate it. This recommendation talks about providing financial incentives to adopt proactive anti-abuse measures and there's a back and forth in the chat that also talks about imposing some sort of action for a failure to correct abuse which I think is the topic of your next recommendation and should be discussed then.

But in terms of ICANN's authority, I'm a little confused in the chat and maybe Jamie can speak to this, it strikes me that ICANN would have the ability to provide incentives to open registries that adopt anti-abuse measures. I'm assuming and that would be the prices that ICANN charges to the registries among other things but maybe you could speak to that. It seemed to me there was a back and forth in the chat that I couldn't tell if you were talking about providing financial incentives or imposing an obligation to take care of abuse.

DREW BAGLEY:

Thanks, Laureen, and I have missed some parts of that chat. Thank you for reading that out to me. That's correct, so this is dealing with preventing these things from happening to begin with and encouraging proactive behaviors so you're not getting these high levels of abuse, and in particular, you're not leaving the eco system where it is today, where it appears that price and registration restrictions are the dominating factors in determining whether or not a TLD will suffer from high levels of abuse.

Whereas the second recommendation is to address after the fact systemic abuse and provide more tools to deal with that so that you don't have to wait for an individual domain by domain complaint and/or a violation of one of the other safe guards because we're seeing that the safe guards alone obviously did not seem to give -- and the current complaint system did not seem to give ICANN compliance a chance to stop some of these registries that have been identified as really bad before they had either had sustain levels of abuse for very long periods of time and did something else bad, and that's part of the problem.

What we have to remember is this technical abuse is something that was identified as one of the fears with ushering in the expansion of the DNS and so our recommendation here are saying, “Oh, the safe guards that we’re develop to mitigate those issues that were identified have not on their own done enough, but here are some things that could do more with that issue.” And so, the second recommendation, I just saw Jordyn pointing out that as written it’s only right now applying to registrars, and so that’s correct.

So this is the second recommendation and we’re proposing that an amendment to the registrar accreditation agreement to prevent systemic use of specific registrars for technical DNS abuse and saying that such language should oppose upon registrars and their affiliates such as resellers a duty to mitigate technical DNS abuse whereby ICANN may suspend registers found to be associated with [inaudible] abnormal and extremely high rate of technical abuse.

And then we’re getting into how ICANN must base such findings and then how there’s a rebuttable presumption and what not, but this is to take here of abuse that’s already existing, already identified and not being mitigated, so that way the community doesn’t have to sit back while people are victimized and just accept that a registrar might be doubling as a cyber crime enterprise willfully or unwittingly.

For the first comment, what I would suggest at this point because we really need to get to David, is the first recommendation please send emails to the group about specific ways to tweak that language because from what I’m seeing it doesn’t sound like anyone is completely opposed to the recommendation; instead people have feedback for

how to improve the wording, either expanding it slightly or being more specific about certain parts of it, so please email about that. And then secondly, let's really quickly go over this second recommendation and then go on to David and we might have to continue this via email. And Calvin, I see your hand is up.

CALVIN BROWNE:

I just noticed something in the [inaudible] that I don't think is 100% right. For instance, when you say for example there's precedent for ICANN adjusting its fee price structure to address behavior harmful to consumers such as abolishing the automatic fee refund for the main posters. I don't think that that [inaudible] thing was actually harming consumers so much as it was actually harming the registry operators. The registry operators were having a tough time [inaudible] systems to these [inaudible] that were being deleted and tested on [inaudible]. So I'm not sure that that wording there is quite right. I agree that it's harmful behavior, but I don't think consumers were the recipients of those harmful behaviors so much as the registry operators.

DREW BAGLEY:

Thanks, Calvin. It was my understanding that both were effective because consumers would be affected by the fact that these domain names were being registered -- potentially highly sought after domain names or whatnot registered, so they couldn't access them and then with the domain name tasting that was kind of a way of driving up prices where you would be able to test the market for this, and so in that sense it was affecting consumers' ability to go directly and get a

domain name that would otherwise be available. My understanding is that it was affecting both. Perhaps I should use some more specific language to describe both of those scenarios in something that affected the DNS ecosystem and different players.

CALVIN BROWNE:

So this type domain scenario, if you were the evil domain name tester you would register 100,000 names, you would see which ones generated enough traffic and advertising revenue from Google or whoever, and you would keep those and disregard the rest. Now, sure there was a period within that five day period that a consumer couldn't get that name, but typically we only lost five days and they would be able to get the domain they wanted and it would only take the domains that generated the necessary advertising traffic to actually --

DREW BAGLEY:

But it was instantly creating a second marketplace because you would be in -- back then they were incentivized to be able to register as many as they wanted, and so instantly the prices and whatnot would be changing even within that five day period, and then if something was sold than that was a success, whereas that speculator may not have taken a chance to go and register if they knew they had to pay for it. I still think consumers were definitely affected by that.

CALVIN BROWNE:

I agree with you, they were affected. I don't think they were actually the brunt of most of the [inaudible]. I think the real problem was simply

registries were having a hard time scaling to meet these constant deletions and registrations and deletions. There were more the registries than the end user that was bearing the full brunt of this.

DREW BAGLEY:

Okay, yeah if you want we'll go ahead and we can add some more context to that sentence or at least in the footnote. The point of including that is to demonstrate precedence for affecting the fee structure to tackle some behavior that was harmful to consumers even if, as you were stating, perhaps it was more harmful to other parties such as registry operators. It still was a use of the fee structure to affect behavior in changing incentives and so that's similar to what we're getting at with our proposal that this is a tool that could be used to change incentives. I'll adjust that language and then send it to the group and then definitely get back to me if I need to tweak it anymore.

CALVIN BROWNE:

Okay, no problem.

DREW BAGLEY:

Thank you, Calvin. I guess at this point we need to get to David. Please get back to me in the chat, which now I'm paying closer attention to or via email and let me know if there's anything we need to do to these recommendations before we put them out for public comment, acknowledging that the recommendations in their current form can certainly be improved upon before they become our final recommendations. The goal here is to get them in the shape we think

we need them to be in before they go out for public comment. And then David and I will have to send out the potential additional recommendations via email for your feedback and decide via group email whether or not there's consensus to also add those. Thanks everyone, I'll pass it on to you, David.

DAVID TAYLOR:

Thanks, Drew. Jordyn, did you want -- because you're on the agenda before me, I'm not actually on there, did you want to go through the consumer additions and then I'll come on to mine or did you want me to just go ahead?

JORDYN BUCHANAN:

I'm happy to go through the consumer ones quickly; they're pretty straightforward, so maybe an easy exercise. They don't affect the recommendations at all. Someone from staff, do you want to present the consumer section really quick? [AUDIO BREAK]

Okay, well I'll tell folks, this was also sent out as an attachment to the agenda by Jean-Baptiste and here it is in any case. This is just some edits to the consumer choice section of the report in order to incorporate the INTA Survey Data. Can I have scrolling powers? What you can see is in this paragraph here there is a reference to the fact that the INTA Survey was complete. In the following paragraph near the bottom you'll see that there is a reference to the fact that the INTA Survey found that for the trademark holders that were represented by INTA that the new TLD registrations are primarily duplicate legacy or ccTLD registrations and only 17% of all of the respondents in the INTA

Survey had registered names for the first times, a unique name that they were registering and a new gTLD versus one that was just a duplicate of a existing name.

You'll see at the top of this CCT analysis trademarks section that there's another reference to the INTA Survey saying that nearly all of the domains registered where duplicates as a rationale for taking a look at the data that we look at. The analysis of the TMCH data itself doesn't really change, so this still finds that there is a significant number of defensive registrations but this only represents less than a fraction of a percent of the total registration in the new gTLD's. Basically this just adds some color. The previous statement was there's some defensive behavior going on and the trademark registrants in particular might be registering defensively and that's a cost and the INTA Survey reinforced that point so there's some language added here to bring out those findings from the INTA study which does show that for trademark holders in particular almost all of the activity in the new gTLD's was defensive in nature. Any questions or comments about those changes?

LAUREEN KAPIN:

Jordyn, can you send around another version that actually has the red line showing up after the call so we can...?

JORDYN BUCHANAN:

I thought I had the red line already on it so I don't know why it's not showing up.

LAUREEN KAPIN: It's [CROSSTALK] in itself either.

JORDYN BUCHANAN: Then I don't know, but I'll try. Any other questions or comments? Laureen, basically what I say if you do a find in the doc and search for INTA, all those references are new basically.

LAUREEN KAPIN: Got it, thanks.

JORDYN BUCHANAN: But I'll try and find the red line in there. Alright, so once again, this doesn't change the recommendations, this just incorporates a little bit of the findings into this section of the report. So if there's no other comments, I will turn it back over to David.

DAVID TAYLOR: Thanks, Jordyn. RPM's, INTA impact study then. If Jean-Baptiste you could put that document up which I circulated around about earlier today. While it's loading up, we haven't had a Plenary call on this at all so I've got it at the beginning so you can actually see where we are on this.

As you know, we had this INTA impact study, so we've been discussing it on the INTA Sub Group calls which myself, Jordyn, Carlos, Waudo and Carlton [inaudible] and we prepared a takeaway clarification list which was there and then we sought some input from the INTA on that, and

then further input from the INTA Sub group on that, and then I had a call with Neilson in August concerning it and aiming to get some objecting input from Neilson so that our takeaways were as objective as they can be, so we got that input as well. I've circulated that to the sub team. I'm happy to circulate to the wider group if that's of any interest at all.

Last week we had a call again on the INTA sub group so I was seeking whether there's any further comments on the Neilson comments, cause there was some clarifications in there and a change of the slide on the total defensive costs per company, so there's been changes there. The next thing was to prepare this initial draft. What I've done to avoid not having a red line version to avoid the wraith of Laureen, I've just stuck it all as new text here, so this is the draft new wording, I haven't yet sought to insert it into the RPM study. You've got the draft wording there and then I've put in suggested 10 takeaways which are essentially from the takeaways which we've had and discussed so there's not a lot necessarily changing, it's just got a bit better wording and I've gone into a bit more detail.

I don't know whether it's worth and we've got time to start going through those because I can read it all out to everybody or perhaps everyone wants to read them themselves, the takeaways, and provide comments, but if we haven't got time today or we can chat about any of those today. So I don't know whether you want me to run through them or not, let me know whoever's in charge. Is that you, Laureen, in charge or should we actually sit there and run through them and read them?

LAUREEN KAPIN: I took a quick look at this and thank you for putting it all together so quickly given all your competing obligations, so I appreciate that. When I read it overall it strikes me that your conclusion is that the new gTLD program was a cost rather than a real benefit to folks with IP interests, and what I wonder is are you thinking about, and pardon me if I'm missing something, are you thinking about recommendations that are going to flow from this? Because this presents a not rosy view of the impact of the new gTLD's on folks that are seeking to protect their intellectual property interests.

DAVID TAYLOR: Yeah, potentially I think your conclusion is right, that's certainly more of a cost than a benefit. I don't think it's the cost that was expected to be or many thought that it would be, so that's a positive if we can have a positive takeaway from that. As to recommendations, yes, potentially we can go further than the three recommendations which we had, which is in effect more studies on this and that's something certainly we need to discuss on the wider group because it can have quite far reaching repercussions and we need to know how far to go.

LAUREEN KAPIN: So it looks like you have some questions from Carlton and Jordyn, and I think Jamie put down his hand.

JORDYN BUCHANAN:

Looks like Carlton put down his hand too, so it's Jordyn. I was just going briefly react to Lauren's point. I think it is definitely a true statement that the INTA Survey tends to reinforce the impression I think we already had from the initial report, but maybe makes it clearer that for trademark holders in particular that the program is probably a net negative, it was cost but there's not necessarily -- we're not seeing benefits articulated by trademark holders in general. There are a few registrations and I just saw this morning actually a Amazon TV ad where AWS was there as the URL on the call to action so I guess a few of the trademark holders, probably those that got their own TLD's they see slightly different perspectives.

In any case, I agree that this reinforces the notion that it was net cost, however I think it's important to put that in perspective, as David said, the forecast cost for the program where people talking about sending millions of dollars where as we see that even looking at total reinforcement costs across all TLD's not just new gTLD's are somewhere like \$150,000.

Just as importantly, if you look at the actual scale of the defensive trademark registrations from the TMCH report that we extrapolate out in our report, it's 0.2% of all registrations. It's really quite a small -- you know, if you look at the totality of the program, I don't think we should get -- this is a vocal segment of domain registrants but I don't think we should overweight the input from INTA in saying that this should really drive recommendations strongly given how small a fraction of the total registration volume it really represents.

DAVID TAYLOR: Thanks, Jordyn. I echo that. I think that does make sense. I think really, for me possibly one of the more important takeaways or indications of it is the recommendation six or the takeaway number six, which you can see when we're comparing it to the total number of domain name registrations and we've got the same thing when we look at the number or UDRP's, that was the data I got WIPO.

There's a disproportionate number of UDRP's being filed in new gTLD's then in legacy. It's not a massive disproportion but we talked about this, when you look to the figures here, we're looking at actually about 18% of the overall costs seem to be related to new gTLD's and when we compare that to the number of new gTLD registrations, which is approximately the same time period, it's 10%. That is certainly a conclusion we can draw all data is pointing to that, but again it's not a 50% or 60%, 70%, 80%, but it is higher. I think at least we can see that.

LAUREEN KAPIN: Jamie has a comment.

DAVID TAYLOR: Yeah, I was going to say, Jordyn, any comments on there about the RPM's trademark holders seem to like the old ones, yes I think that's probably true. Obviously with everything like that it takes awhile for people to understand what the options are and what's available in UDRP now; certainly 15, 16 years on is understood amongst brand owners and certainly if I look at the number of times we advised between UDRP and URS there's a very basic understanding of the difference and even some of the comments which are made in the INTA

report show that those people who are commenting on it don't actually know how to use the URS cause they're practically incorrect on it. I think there's the difficulty there perhaps that the URS is overly complex; we can take away a lot of those, but URDP is a known RPM and hence I think that's why it's preferred. Go ahead, Jamie.

JAMIE HEDLUND:

Thanks. I just sent around a red line and just to talk to it very quickly cause I know we're running out of time. And these are comments rather than edits. I think for the sake of transparency it's important on page two to indicate how many respondents participated, especially since you highlight how many members of INTA there are. I think it goes to the rest of your thing about the statistical standpoint requiring caution.

On the other two, maybe Neilson will help with this, but there are two sort of qualitative statements that I think should be substantiated with data. One is that the response rate for the survey is above the norm for similar sample with the bases for that and especially when the sample rate is low; I think I remember it being but I could be wrong. Same thing for the indicative; if it is a small sample rate, how can that be indicative of key themes and trends. That's it.

DAVID TAYLOR:

Yup, thanks a lot Jamie, that makes sense. Anything else? I think Laureen, you were going to ask something and I rudely interrupted you?

LAUREEN KAPIN: No, my real question was whether this was going to change the recommendations at all and what I'm hearing is that not at this point, it's more to report the results of the INTA Study, so I understand that. It seems to me your first recommendation, recommendation 40, does cover this topic in calling for a general look at the costs involved with protecting IP rights in terms of the new gTLD program. To that extent I do think we cover it. Thank you for that.

DAVID TAYLOR: I think you're right on that and it's hard to know where we go with the recommendation because I think many brand owners would like new gTLD's to go away, but that's not a recommendation we make apart from the point of view of brand owners, we're just underlining it, but how we can translate that into an actual recommendation other than, and that's why I'm completely in line with what we're doing with Drew to minimize abuse, whatever type of abuse. I think that's where we need to concentrate and focus.

LAUREEN KAPIN: Right. On that point, Carlton has sent around an email for everyone but I also wanted to leave folks with it. Carlton has made the point, Carlton, you can tell me if I'm characterizing it correctly, that in terms of the abuse recommendations, we're looking at this the wrong way. What we should be doing is having recommendations focused on penalizing abuse rather than creating financial incentives to reward good behavior, and this echoes Carlton's earlier point which is that the contracts already have provisions that prohibit many types of abuse and in his

view the way to go about it is in terms of penalties for bad behavior rather than rewards for good behavior.

So I did want to make sure people are aware of that as they're providing feedback on Drew's DNS recommendations because Carlton has communication technical difficulties with getting his points across. [AUDIO BREAK]

And just to be clear, I didn't read Carlton's message, I just characterized it. Please read his email in his own words for yourself. [AUDIO BREAK]

Okay, so we are at 11 o'clock and what I'm going to ask people to do cause we're on a very short timeline, is today if possible, please provide written feedback that you have to both Drew and David so that we have an opportunity to meet our deadlines here and then stay tuned to see if we're going to need further calls to get the final green lights on this or whether we can do that via email. Jamie, do you still have a question or is that an old hand?

JAMIE HEDLUND: Sorry, old hand.

LAUREEN KAPIN: Okay. Any other questions or comments before we adjourn? [AUDIO BREAK]

Okay, then I think we're okay. Maybe Carlton and some ICANN technical folks can have at least an email communication about how to

ensure his participation verbally as well via the chat; that would be much better for everyone I think. [AUDIO BREAK]

Okay everyone, thanks so much.

[END OF TRANSCRIPTION]