
ABU DHABI – CCT RT Plenary F2F
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JONATHAN ZUCK: All right, everybody. We're just going to start and save any bombshells that you have for after the recording has started. But in the meantime –

So welcome, everybody, to Abu Dhabi. I hope everyone's flights were all right from around the world and/or Uber drives from Dubai.

I'll ask quickly if anybody has any kind of update to their Statement of Interests. All right, let's hear it.

JORDYN BUCHANAN: I haven't updated mine. This is actually a little belated. I've been planning on updating it at this meeting, but my Statement of Interest says that I work on domains and that I get paid more based on the success of Google Domain's program. That's not true anymore. I still work at Google, though.

JONATHAN ZUCK: So Jordyn's going to stop pushing so hard for the new gTLD.

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.

JORDYN BUCHANAN: No, that's just a [inaudible] stance.

JONATHAN ZUCK: All right. Well, thank you. Anyone else? You so rarely get an answer to that question when it came up, but I guess I did one in the middle of this thing too, so.

All right, and who do we have that's trying to join remotely? You said Drew was on. So Drew, are you able to communicate with us? He'll be coming but he couldn't make the face-to-face. Do we have him on the phone? Is he able to speak up or is that waiting on the Adobe Connect room? Are you in the Adobe Connect?

UNIDENTIFIED FEMALE: Yeah, but he isn't.

JONATHAN ZUCK: He is not.

UNIDENTIFIED FEMALE: Oh, he was. I saw him, but now he's not.

JONATHAN ZUCK: Okay, neat.

UNIDENTIFIED MALE: The Internet works here.

JONATHAN ZUCK: Yeah, I can't find my way back to what I was supposed to put in to upgrade. The Internet was like upgrade PHP or something like that and it didn't work because it's super-slow.

Who was?

UNIDENTIFIED MALE: Drew.

JONATHAN ZUCK: Drew was active an hour ago. All right.

Okay, well, Jean-Baptiste, do you need slides for your part of the discussion? You're next on the agenda.

JEAN-BAPTISTE DEROULEZ: Yes.

JONATHAN ZUCK: You do need slides?

JEAN-BAPTISTE DEROULEZ: [Inaudible]

JONATHAN ZUCK: You can just bring them up in PowerPoint.

JEAN-BAPTISTE DEROULEZ: Yeah. I just try to make sure that everyone can read because it's really tiny on the screen. So there we go. For some reason, you can't see it properly on the screen. Sorry about that.

So this morning, I wanted to review with you, the work that has been done in subteams since the direct report was published. So what I tried doing is to provide you with some tips for when you will be updating and approving your different final recommendations, and also, what I tried doing is highlight all the different changes that you made to the previous draft recommendations and items [inaudible] as well, which recommendations are already approved, which ones are consolidated, and which ones have not been touched and whether they need to be changed or not. So it's just some work maybe that will help your discussions today in your different subteams.

JONATHAN ZUCK: Just a quick question. The consolidation work that we're doing, generally, is not part of this interim release though. It's only part of the final, right?

JEAN-BAPTISTE DEROULEZ: Right. Everyone [dance] please. Okay, perfect.

So starting with the recommendation format. So this is something that needs to be streamlined across the report because we have realized that recommendations in different sections do not have the same format. Some are missing details, success measures, for example, so it's very important that for the final report, those different fields are actually being used and filled in.

So here, what I have described is what is actually in the draft report, so with the definition of each priority level, so for the prerequisite, just as a reminder, so you indicated that whether each recommendation has been implemented prior to the launch of subsequent procedures for new gTLD, the Review Team agreed that those recommendations that were not categorized as prerequisites would be given a time-bound priority level. [Inaudible] priority that recommendation has been implemented within 18 months of the entrance of a final report, medium priority within 36 months of the issuance of a final

report, and low priority must be implemented prior to the start of the next CCT review.

Yes. No, the one on the agenda from – yeah.

And so to help you identify and draft and prepare your final recommendations and update those, what we have reported here are important questions for you to ask yourself for the recommendation field. So the question would be, what observed fact-based issue is the recommendation intending to solve? What is the problem statement and what is the intent of the recommendation and what would be the impact if this recommendation is not addressed?

On the rationale and related findings fields, here the question would be, what are the findings that support this previous recommendation?

On the two fields, the important question would be, does this recommendation require new policies to be adopted? If yes, what stakeholders need to be engaged in the policy development process to support successful implementation of this recommendation? Who are the responsible parties that need to be involved in the implementation work for this recommendation, community, ICANN Org, Board, all? Is related work already on the way? If so, what is it and who is carrying it out?

On the prerequisite priority levels – so this is what I [told] before – so also, what would be the target of a successful implementation? Is the recommendation aligned with ICANN’s strategy plan and ICANN mission? If yes, how?

On the success measures, the question you would need to ask is what outcomes is the Review Team seeking? How will the effectiveness of implemented improvement be measured and what is the target for successful implementation?

And finally, since there were a few suggestions for consolidation, here a question would be, if only five recommendations can be implemented due to community bandwidth and other resource constraints, would this recommendation be one of the top five? Why or why not?

And I’ve also added this, considering that there were comments that the [future] recommendation was a lot, so I think this question is key for when addressing the final recommendations.

So here, what I tried doing is report, so three slides for each recommendation. The first slide is the recommendation that was published in your draft report, and then what was the ICANN Org public comment. And after that, I will highlight in orange, just the same way that is planned for the new sections, so in orange, will be highlighted all the different changes that were made to the recommendation.

So Recommendation 1, here the ICANN Org public comment was about to specify how ICANN Organization currently serves the community's needs for data and research so that ICANN Organization can address them appropriately. And based on the different discussions that you had, so the different updates highlighted here on screen were approved, so this is actually good to go for the final report. So Recommendation 1 doesn't need to be.

So this is Recommendation 2 as published in the draft report. So Jordyn is responsible of this recommendation. The ICANN Org probably [inaudible] that one was specified [internal views] of data or analysis. This recommendation overlaps with existing efforts, as relayed by other groups outside of ICANN. CCTRT to specify from which party the data should be collected and clarify how its recommendations align with the gTLD Marketplace Index.

So, so far, the different updates are currently on screen. So this has not been approved yet, so maybe this is something that you could be discussing today. So the rationale, details and success measures for this one have been updated.

Recommendation 3, so still in Jordyn's responsibility, so the public comments here were to specify the intended use of data or analysis and the recommendation overlaps with our existing

efforts. And, in fact, it's the same as for Recommendation 2 in terms of feedback. So here, currently, there were no updates. So it would be a matter of determining whether this one should be updated or not.

On Recommendation 4, it's the same feedback from ICANN Org and there were no updates yet on this recommendation.

Recommendation 5 was updated based on feedback that was received and here is the version that is currently [inaudible] into the new sections that will be sent for public comment. So the details of the recommendations were, in fact, updated.

JONATHAN ZUCK:

So just to slow you down for a second, given the status of these, do we think that they have been approved within the subteam and it's now time to try and approve them in the plenary, or are they not through the subteam approval process yet? I just honestly don't remember. I was probably on the call. So Rec 5, for example, what's your sense, Jordyn?

JORDYN BUCHANAN:

In most cases, I think a subteam has reviewed proposed changes. However, there's an exercise going on that we haven't completed, which is you adjust the body text around the recommendation to make sure that that makes sense and has

taken into consideration whatever feedback drove the change to the recommendation. So there's still probably some work to do before we bring the document back to the plenary.

JONATHAN ZUCK: Oh, because you'd like to have that, a script of text updated before the plenary looks at the new [inaudible]?

JORDYN BUCHANAN: Yes, because then it will give the context as to what, I guess we know we can talk through. One thing we won't do in the document other than maybe a separate document is describe why we changed things, which we can't talk about in this room. But at the very least, to make sure everything is consistent is probably important.

JEAN-BAPTISTE DEROULEZ: Thank you, Jonathan. On Recommendation 6 in this one, so [Dejan] was in charge of this recommendation. The ICANN Org public comment was covering the same topics as the one for previous recommendations and so far, there were no updates on this one.

Recommendation 7 from Dejan, so here, the public comment was to specify what is meant by sales data and the intended use

of the data or analysis and this recommendation overlaps as well with other existing efforts. And at this stage, so this one will be consolidated and we will review the consolidated version at a later stage in the presentation.

Recommendation 8 will be consolidated too, and here is the consolidated version of Recommendation 7 and 8 that was discussed in a Competition Subteam call. So, of course, the recommendation has changed. Rationale and related findings have been updated so as the priority level and the details of this recommendation.

Recommendation 9, so this is Waudó's input is expected on that. So the public comment here was to specify the use of the data analysis. It also overlaps with existing efforts led by ICANN, also groups outside of ICANN and the CCTRT was asked to clarify how registrant preferences for particular TLDs inform the extent to which the expression of gTLDs as [permitted] competition, consumer trust, and consumer choice, and CCTRT to clarify how these recommendations align with the gTLD Marketplace Index effort.

So on Recommendation 9, there was an update on details from Waudó and so if you see updated on top, that means this has been submitted to the subteam, but that doesn't mean that an

approval was reached or that this was submitted on a plenary call.

Recommendation 10, so that's for Jordyn and David. So for this recommendation, there was a suggestion to consolidate it so we'll get back to that a bit later. And there, there were no details or success measures. There was no public comment on that one from ICANN Org and so there was a consolidation suggestion.

JONATHAN ZUCK: There were comments from other people on that besides ICANN Org.

UNIDENTIFIED FEMALE: For all of these, there were comments.

JEAN-BAPTISTE DEROULEZ: Yes, that is correct. It's because I recall there was an ask to highlight what was the ICANN Org public comment on that.

JONATHAN ZUCK: [From our staff]?

JEAN-BAPTISTE DEROULEZ: No, from the [inaudible] leadership on some plenary recall, so that's why I reported it there, just to let you know.

So here on this slide, so you have the consolidation suggestion for Recommendation 10, 40, 41 and 42. So this was a suggestion. There was no work on this yet. So this needs to be tackled.

On Recommendation 11, so that's attached to Megan. So details and success measures were missing here and the ICANN Org public comment was to specify what was expected of ICANN Organization on this recommendation and from each of the stakeholders. The specified intended use of the data analysis and also the recommendation overlaps with existing efforts as relayed by ICANN, also groups outside of ICANN and here, as well, to clarify how registrants' preferences for particular TLD inform the extent to which the expansion of gTLDs as permitted competition, consumer trust, and consumer choice. And CCTRT to clarify how these recommendations align with the gTLD Marketplace Index effort. So on this recommendation so far, there were no updates.

Recommendation 12, so for Dejan, so here, details and success measures are missing. So here, the ICANN Org public comment was to specify what is expected of ICANN Org and I believe this recommendation was subject to consolidation and we will get back to that later.

Recommendation 13, that's how and so the details and success measures are missing too here. There were several comments

on this recommendation. Specify what is expected from ICANN Org and the stakeholders mentioned in the recommendation, the intended use of the data or analysis and also this recommendation overlaps with existing efforts led by ICANN or the groups outside of ICANN. And to clarify, all these recommendations align with gTLD Marketplace Index effort.

Recommendation 14, so that was for you, Laureen. So here, details and success measures are missing too. And there were no ICANN Org public comment on this one. And so you have, Laureen, updated the recommendation so here, changes appear under the recommendation itself and also the rationale and related findings. We are currently still missing the details and success measures. And so this Recommendation 14 was discussed on Safeguard Subteam call.

Recommendation 15, so that's attached to how and details and success measures are missing too and we need to be updated. Several public comments, the same as the previous recommendation from how. And Recommendation 15, there was a suggestion for consolidation on that one.

Recommendation 16, so that was for Laureen and Carlos. Details and success measures, we need to be updated on this recommendation and the public comments for Recommendation 16 were to specify the intended use of data or

analysis and clarify the difference between Recommendation 16 and 35. Custom benefits need to be defined as well in the recommendation, and the CCTRT shall provide guidance on the types of restrictions that are intended in this recommendation. This one was updated, so in the recommendation and the related findings, there were no details added or success measures at this stage.

Yes, Carlos?

CARLOS RAUL GUTIERREZ: When you say “updated”, do we still have two separate recommendations or are we merging, in this particular case, which [attends] to our proposal?

JEAN-BAPTISTE DEROULEZ: Good question. So here, from what I have, I guess heard from the different subteam call discussions, so this one was still submitted as a recommendation itself, 16, yes. And this is currently the updates that were discussed on the subteam call.

Recommendation 17, so that’s for Calvin. Here, we are missing the details and success measures. There were several comments from ICANN Org, again, to specify the intended use of the data analysis. This overlaps with existing efforts and there was an ask to clarify what data the CCTRT is requesting to ICANN

Organization to collect from registries and registrars and whether they do collect this data. There might be challenges in obtaining that data and the priority may not align with the RDS/WHOIS to a limited scope.

Also, there was an ask for clarification on the data that the ccTLDs requesting ICANN Organization to collect from registries and registrars, and this one was subject for consideration as well.

So Recommendation 18, still for Calvin, and details and success measures need to be updated.

Go ahead, Lauren.

LAUREEN KAPIN:

Just for clarity, so for example, with 17 and 18, we haven't discussed proposals on the subteam calls yet but I do want to note Calvin has submitted for circulation to the team, changes so, okay. I'm anticipating your excellent work on this. Sorry, go ahead.

JEAN-BAPTISTE DEROULEZ: No worries. Exactly. So I reported suggestion for consideration from Calvin, which is here on screen with an updated text for the recommendation, but just wanted to point out that details and

success measures will need to be updated, too, on this one. But as you mentioned, this has not been discussed.

LAUREEN KAPIN: Sorry.

JEAN-BAPTISTE DEROULEZ: No. No worries.

On Recommendation 19, so this is Drew’s recommendation, so details and success measures are missing too. The Internet use of the data analysis needs to be specified and this recommendation overlaps with other efforts.

At first in the discussion, there was a suggestion for consideration between Recommendation 19 and 44, so this will need to be confirmed or not.

On Recommendation 20, and that’s for Calvin as well, so the details and success measures are missing, there was no public comment on that one and at this stage – correct me if I’m wrong – but there were no updates suggested for this one. Okay.

Recommendation 21, that’s for Carlton and I see he’s not in the room yet. So here, there are no rationale or related findings, no details, no success measures. There were several ICANN Org public comments, so specify what is expected from ICANN Org

and the different stakeholders, specify the intended use of the data analysis and also this recommendation overlaps with existing efforts is led by ICANN or the groups outside of ICANN.

And this Recommendation 21, also there was a suggestion for consolidation with Recommendation 22 and 23 if I recall correctly. So here, on Recommendation 22, details and success measures need to be updated and the public comment on Recommendation 22 was the same as for the Recommendation 21.

Recommendation 23 is still for Carlton, so details and success measures need to be updated and here, the ICANN Org public comment was to specify the intended use of the data analysis and the recommendation overlaps with other efforts, and there was an ask for more guidance as to the purpose of the data requested and what analyses are expected of ICANN Org for this data.

So here on screen is the consolidated version of Recommendation 21, 22 and 23 with a new version of recommendation rationale and to whom this recommendation is addressed and also the priority level has changed on the recommendation compared to the previous ones. And here, we're still missing details and success measures so this will need to be updated.

Recommendation 24 is attached to Calvin. Here we have details and success measures missing and a few comments on the recommendation. So again, to specify the use of the data analysis, it overlaps as well with other efforts within ICANN and other groups, and also to clarify the intended use of the information and by whom to ensure that appropriate data collection and analyzes our performance.

So Recommendation 12 and 24 were suggested for consolidation and here there was a suggestion from Dejan, I believe, with an updated version of the recommendation but details and success measures are still missing.

Recommendation 15 – and this is for you, Laureen – but there, 15, 25, 26, 27, 28, 29 and 30, they have the same rationale related findings and also they will be consolidated. The public comments for these five recommendations was to specify the intended use of the data analysis. Also, it overlaps with existing efforts led either by ICANN or other groups and also to clarify the intended use of the information and by whom to ensure that have prepared that data collection and analyzes our performance.

So I'm going to just move to the suggested consolidation for Recommendation 25 to 30 with an updated rationale and

related findings and details and success measures will need to be added, too.

Recommendation 31, so that's for Fabro. So here we have details and success measures that need to be updated. There were two comments on this recommendation to specify the intended use of data analysis and also that the recommendation overlaps with other efforts led by ICANN or other groups outside of ICANN.

There was a suggestion for consolidation in Recommendation 31 and 32 still need to be confirmed and you have provided an update on the recommendation which is highlighted in orange on this slide.

Recommendation 32, so still needs details and success measures. Here the comment was the same as the previous recommendation, and as I mentioned earlier, you made an updated recommendation but there was a suggestion for consolidation and we will need confirmation on that.

Recommendation 33 for [how], so here, we're missing a rationale and related findings and also details and success measures. There were several comments on this recommendation to specify what is expected from ICANN Org and the different stakeholders, the intended use of data analysis, also the recommendation overlaps with existing efforts

either led by ICANN or other groups outside of ICANN, and clarify how our registrant preferences for particular TLDs and from the extent to which the expansion of gTLDs as [permitted] competition, consumer trust, and consumer choice, and clarify how this recommendation aligned with the gTLD Marketplace Index effort.

So on the next slide, you will see the consolidated version for Recommendation 13, 15, and 33, with an updated text for the rationale and related findings and also the priority level has changed to high. Details and success measures have been included for this recommendation, but again, this was discussed but not yet approved.

Recommendation 34 for Drew and Carlos, so here we're missing details and success measures. The public comments were on specifying what is expected from ICANN Org and the stakeholders, the intended use of the data analysis and also, the recommendation overlaps with other efforts either led by ICANN or other groups, and also to clarify what types of registration restrictions the CCTRT wants included in this study. So here, there was a suggestion for consolidation between Recommendation 19 and 34 but this will need to be confirmed. There was none provided at this stage, I believe.

Recommendation 45 was assigned to Carlos. We are missing the details and success measures on this one. There were several public comments from ICANN Org to specify what is expected of ICANN Org and the stakeholders, what is the intended use of the data analysis and also the recommendation overlaps with existing efforts either led by ICANN or other groups outside of ICANN and CCTRT to clarify the difference between Recommendation 16 and 35, [custom] benefits need to be defined in the recommendation, CCTRT to provide guidance on the types of restrictions that are intended in Recommendation 16, 35, and 36. And here is a suggestion for consolidation for Recommendation 35 and 36 with the updated version of the recommendation text.

UNIDENTIFIED FEMALE: [Inaudible]

UNIDENTIFIED MALE: [Inaudible]

JEAN-BAPTISTE DEROULEZ: No, 36 is Jamie, I believe. I base myself [inaudible].

UNIDENTIFIED FEMALE: It's probably my misremembering.

JEAN-BAPTISTE DEROULEZ: I also referred to the e-mail you sent just before the meeting.

UNIDENTIFIED FEMALE: Okay. It's me then. Sorry.

JEAN-BAPTISTE DEROULEZ: No worries. Recommendation 36, so for Jamie, so here we're missing details and success measures and as I mentioned earlier, so Carlos, Jamie and Laureen have worked together and there was this suggested update to Recommendation 36.

Recommendation 37, so that's for Drew and here there are no details or success measures on this recommendation that will need to be implemented. And the public comment from ICANN Org was to express what is the required timing of the implementation of this recommendation as it may not align with the timeline for the open data initiative.

Recommendation 37, 38, and 39, there was an ask to consolidate those and so Recommendation 38 is also missing details and success measures and here, there was an ask to specify what is expected of ICANN Org and the stakeholders.

Recommendation [39] is for Drew as well. Details and success measures were missing too, and here, public comment is also on

the same except that here, there is an ask to clarify what is expected of ICANN Org in this recommendation.

Recommendation 39, so here, you see the updated version that was submitted by Drew with the different updates to recommendation and rationale and related findings.

And now moving on to Recommendation 40, so this was the original version in the draft report. So here, all the different fields were filled in so nothing is missing and this is the updated version that was estimated in the new sections report. And there was also a previous ask whether Recommendation 10, 40, 41, and 42 should be consolidated together, so we need confirmation on whether this will still be made for the final report on that.

Recommendation 41, so that's the previous one from the draft report, there were no public comments on it and that's the updated text in the new sections report.

That's Recommendation 42, still from David, and no comments on this one. And this is the updated text.

Recommendation 43, so that is for Jonathan, and that's the application section. Here there is no field missing. There were no comments on this recommendation and so far, there were no updates. So we will need confirmation on whether this will be

changed or not for the final report or just confirmation that this can stay as-is.

Recommendation 44, so as well here, no fields were missing. There was just an ask to clarify if by expand and improve outreach into the global sales, the CCTRT is referring to outreach on new gTLDs and IDNs or more broadly about encouraging deeper participation and engagement by representatives of these regions in ICANN's work. And here as well there were no updates or discussion on this recommendation.

Same for, so Recommendation 45, this is the recommendation that was submitted in the draft report, all fields are there, and there was one comment which is pro bono assistance program is a top being discussed in the Subsequent Procedures PDP Working Group and this recommendation aligns with the current state of discussion in that working group. Here there were no updates, no discussions on this recommendation.

Recommendation 46 has all fields filled in. There were no comments and it has not been discussed or updated again on a subteam call.

Recommendation 47 is still for Jonathan. Here we are missing success measures and there were a few comments to specify what is expected of ICANN Organization and each of the stakeholders, explain how we [inaudible] visions this

recommendation align with the work of the Board GAC Working Group and regarding clarification of the process and timelines by which GAC advice can be expected from individual TLDs, CCTRT to clarify what is expected of ICANN Organization in this part of the recommendation. Recommendation 47 is missing success measures, and for Recommendation 47, there were no updates at this stage.

Recommendation 48, so that's for Megan and there were no details or success measures on this one and there were no public comments made on the recommendation by ICANN Org and no updates were made or discussions were held on this Recommendation 48.

Recommendation 49 is also attached to Megan and here, we're missing details on this recommendation and there were no comments from ICANN Org and Recommendation 49 was not updated.

Recommendation 50, here we are missing details and success measures. There were no comments and no updates at this stage.

So based on the different slides that were shown before, this is a summary, so recommendations that were approved is only Recommendation 1 and this will go into the final report.

Recommendation 5, 40, 41, and 42 were updated and will be sent for public comment with the new sections in November 30 after ICANN60.

The suggestions for consideration for Recommendation 7 and 8, Recommendation 10, 40, 41, and 42, Recommendation 12 and 24, Recommendation 13, 15, and 33, Recommendation 17 and 18, Recommendation 19 and 34, Recommendation 21, 22, and 23, Recommendation 25, 26, 27, 28, 29, and 30, Recommendation 31 and 32, Recommendation 35 and 36, and finally, Recommendation 37, 38, and 39. So confirmation will be needed on whether these will actually be consolidated or not. And recommendations that were updated but not approved yet are Recommendation 9, 14, and 16. And recommendations where there were no updates at this stage are Recommendation 2, 3, 4, 6, 10, 11, 20, 33, 44, 45, 46, 47, 48, 49, and 50.

Any questions?

JONATHAN ZUCK:

Thank you for that work with the overview. [Inaudible] need to go back into those and look at the very practical, which is good [inaudible]. Does anybody that's responsible for these have questions about the consolidation because that was one of the things that we [need to] finalize at this phase? It's why [inaudible] consolidation. And I guess the best litmus test for

consolidation is would you be okay with that recommendation not being approved by the Board [inaudible]?

Sorry, thanks. Because there's a lot of recommendations and so, at first blush, the reaction is, "That's a lot of recommendations," right? But they're also very granular, like "collect wholesale data" is one. "Collect retail data" is another. And obviously, we can consolidate and say, "collect wholesale and retail data," but then those things have different constraints associated with them in terms of the obstacles to getting that data. And so we just need to make sure that we're okay with merging them because they conceptually belong either in or not.

Dejan?

DEJAN DUKIC: Recommendation 24 is not related to Recommendation 12. No.

UNIDENTIFIED MALE: Correct. My analysis, I was [inaudible] to do that and I said that they are two different things.

DEJAN DUKIC: Recommendation 12 is updated. You have it on a subteam mailing list.

JEAN-BAPTISTE DEROULEZ: Sorry, Dejan. I'll have a look.

JONATHAN ZUCK: Is the text on the slide the old or the new?

JEAN-BAPTISTE DEROULEZ: It's updated on the slides.

JONATHAN ZUCK: Carlos, go ahead, and then Calvin.

CALVIN BROWNE: I did do an analysis – I'm not sure if I sent it through – of why the two, 12 and 24, are different. Did people get that or not? Or should I resend it? I'll resend it.

JONATHAN ZUCK: Calvin, thank you. I would go ahead and resend that analysis, but I think we're taking on face value that they're different and shouldn't be consolidated unless somebody has a particular objection to that.

Carlos, go ahead.

CARLOS RAUL GUTIERREZ: I just want to make a point independently of what the group decides of consolidating or not consolidating issues. For me, it's very important to be aware of the reaction at different levels. For me, there is a big difference between a one-time, one snapshot study which we had to rely on this time because it's the beginning, of course, and a totally different thing which is collect data consistently over time so that in the event there is a study, we have a time series. And independently, if the analysis is going to be done by internal staff being the present staff or a data scientist or someone, or an external consultant at any time, and I think this is for me, very important that we just don't drop studies anymore because I've seen it in other groups that they start saying, "Oh, we need a study for that," but \$50,000 is not enough just to mention one at the GNSO recently.

So for me, it's very important that we consider the recommendation in terms which data, which of course, wholesale data because it's closer to ICANN has to be consistently collected over time. And for me, this is the important message, not necessarily if it's internal staff or if we get a top notch scientist or just an average staff that knows how to deal with SPCC which I don't think –

JONATHAN ZUCK: [Quit] while you're ahead, Carlos. You were doing great.

CARLOS RAUL GUTIERREZ: But that part of the message to avoid this sense of shooting left and right, I think we should send a message that we suffered under this situation as a Review Team, to wait for Nielsen, had to repeat studies, had to run for a study, and this is no good for future reviews. I think future reviews deserve to have better data. Thank you.

JORDYN BUCHANAN: So I agree with Carlos that we ought to be crisp about sort of what and why that we're getting in terms of information. Having said that, I actually think that message is easier to do with fewer recommendations rather than more, so certainly in the case of wholesale versus retail, I would be inclined to try to consolidate those just to make it clear. "Hey, we need pricing data. There's various forms of it. We were really hamstrung without the pricing data. Please make sure over the next few years, you're collecting these specific types of pricing data."

I think having a smaller number of recommendations makes it easier for the community to digest and it makes it easier for us to explain why we need these things as opposed to saying, "Yeah, there's eight of these that sort of cover this general class of thing, so just sort of treat those as one mentally," we can just do that and help the reader today.

JONATHAN ZUCK: Thanks, Jordyn. That point makes perfect sense to me on the face of it. I guess I'm getting down to the approval process whereby wholesale data has to come from one entity and retail from another, wholesale data is less public, retail data more public, so the actual mechanics of "is this possible?" I have to make a contract change to do it, etc., is that something we should be thinking about? Because the Bylaws now state that the Board cannot rewrite recommendations. They have to approve or disapprove them as they're written. So that's my only concern about that.

JORDYN BUCHANAN: I guess there is going to be an implementation phase after this and that seems like the sort of issue that can be worked out there, and I think we can write our recommendation in such a way to say, "These are the types of data that we found it difficult to network without and ICANN should work the relevant parties in order to try to obtain this information," or something like that.

It could be forcing registries to get wholesale data is not actually going to be feasible in the time horizon that we're talking about because it requires a contractual amendment with certain of the registries, and the time scale for doing contractual amendments

with registries is really long. There's nothing to force them to do it short of a GNSO PDP and those take years themselves.

JONATHAN ZUCK:

So thanks, Jordyn, and I think your point about the sort of digestibility of them is well taken. And I guess as we try to have a conversation about the recommendations, this sort of falls in the same category with the language of the recommendations, too. We've been having this back and forth with Jamie over how they should be worded, "The Board should consider," or something like that rather than, "The Board will," etc. and it feels sort of impartial to that, which is to try and come up with this distinction because this idea of an implementation phase is also new to this Review Team and what it is that would be okay to fall within it. And as Jordyn said, if we can make a recommendation that is sort of worded, "and this is the kind of data that we wish we had," and the Board can then approve wishing we have that or something like that, and then work on different timeframes for different types of data or something like that, then that would probably facilitate the consolidation effort. It just has to do how hamstrung the Board is in their approval process.

We're going to do a call with somebody. We decided not to do it as part of the face-to-face, the discussion of how things are worded. I'm sorry. I just don't remember what we decided.

JEAN-BAPTISTE DEROULEZ: Yes, I remember that and actually, I think on that one – and I can say that reading the public comments – I think one, honestly to your question, I don't recall right now and I will check, but about the language, I know that looking at the different recommendation if you look into public comments, there were also suggestions on that to change the language also on words that are being used in recommendations like “shoot” [or something like that] that needs to be changed. But I can have a look during the break and give you an update on that.

JONATHAN ZUCK: Thanks, Jean-Baptiste. Just to clarify, there seems to be a whole field of different opinions about how they should be worded and I think we wanted to come up with something definitive with somebody that's got some expertise there because of the changes in the language associated with the Bylaws and because in my mind, it's a nonissue. In other words, the Board has already agreed to consider our recommendations by forming a Review Team. So that I would think, personally, that we would form our recommendations as if they were Board

resolutions as a result, and that adding another effort of having the Board agree to consider feels ridiculous to me. But I mean, those kinds of suggestions are out there and so I think getting clarity on that and being consistent across the Board – and we’ve talked about this on calls is something we need to have a specific discussion about with somebody that has some expertise, I think.

And then I guess, similarly, I don’t know what staff had in mind for the implementation phase of these recommendations because we’re talking about keeping some subset of the team together to help staff with the implementation. We ought to figure out what that means as well because that will again inform the language of these recommendations, I think, and the degree to which they’re flexible down the road.

Other questions or comments on consolidation? So Jordyn, to follow-up on your comment, you would do further consolidation than what was recommended by Laureen and actually combine types of data and things like that, that we suggest that we want into a single recommendation potentially, in the competition section, you would take four or five of them maybe and make it into one.

JORDYN BUCHANAN: Yeah, I think that's true. I think that's true throughout the report, that we have a bunch of little clusters of highly related recommendations that may be advantageous.

One of the things I got the sense of from reading the public comments were a lot of people were roughly saying, "Oh my God, you're recommending so many things, and this is just creating infinite work for ICANN, and follow-up studies, and sending people flying around the world forever." And if we can at least fix the optics so it looks like it's a little bit less of that while simultaneously making the recommendations more digestible, I think that would be advantageous.

LAUREEN KAPIN: And I don't disagree with anything that you're saying. My concern is having gone through this effort myself to try and consolidate is that sometimes when you're consolidating different elements of related subject matters, it actually makes things more difficult to understand by mushing it all together in one big thing rather than small, little bites.

So I'm personally mindful of trying to strike the right balance, and for me, the guiding principle also needs to be clarity. We need to make sure that people can actually understand them, so just to put a little bit of another perspective there as well.

JORDYN BUCHANAN: Yeah, I definitely think the goal should be clarity. I think in a lot of cases, we can improve clarity by consolidating, but you're right, if we try to say, "These two concepts are related, therefore, we should mush them together even though the recommendations aren't that related."

I think there's a suggestion about two related to rights protection that David and I were suppose to take a look at, and they're really just fundamentally, they both have something to do with rights protection but they're very different recommendations and consolidating those two, I don't think makes any sense, but in the case of the pricing-related recommendations, they're all basically just variants on "We need more pricing data," and so I think those feel pretty easy to consolidate.

Similarly, there's a bunch of recommendations that are of the form of this type of study, we should keep doing that. It maybe that we should actually consolidate all of those so that they don't –

UNIDENTIFIED FEMALE: Continue X, Y and Z.

JORDYN BUCHANAN: Right. So they don't get sort of scattered all throughout the report because there's "continue doing the consumer choice, the registrant survey," "continue doing this sort of [inaudible]". I think where we're just saying, "That was done before; just keep doing it again," we may be able to make a nice consolidated recommendation that calls that out.

ELEEZA AGOPIAN: Thank you. I was just going to suggest on the consolidation point, there's also in a couple of places where you mentioned the survey or the DNS abuse study, but they're in separate sections, I think in terms of when we've looked at it from an implementation standpoint, it would be helpful to see those together and how they combine.

So for example, there's one that says, "Continue the registrant survey," and then there's another that says, "Continue it but add these things in or take these things out," to see all of those together, I've kind of been doing that as we've been looking at it and anticipating how we may continue the survey itself. But it would be helpful if you looked at it across chapters, I guess.

FABRO STIEBEL: Thank you. I really doubt that this Review Team should recommend studies. I mean, this is delegating unanswered

questions at best, and what if the study comes out in the other direction? I mean, we spent more than a year here with bad data and we did the best with good studies but based on bad data and the result is bad always. So I think we have to put ourselves back at the level of a Review Team and I don't think it's appropriate at all to recommend studies.

And let me put it very bluntly, we present a solution or we present a hypothesis. We think it went the wrong way. If you can prove later on that it was not, then take this recommendation back, but to recommend studies or further analysis, that's a cheap way out. I don't feel comfortable with that. Either a hypothesis to be analyzed later or data, straight data, but more studies, I would like to see the study tack of competition review and I will ask for that in the GNSO new budget meeting because it's contagious.

Everybody everywhere else is asking for studies and I don't know if that's the best use of ICANN's money just for Review Teams just to hire outside studies out of sync with the process of expansion. We have to remember we are in the process of expansion and we are discussing. We also have a PDP going on, on subsequent procedures and everything that we recommend is under the assumption that we are going to give a green light or a red light to subsequent procedures. And right now it looks that subsequent procedures one through four is going forward

faster than we are going now, or track five may stop everything again.

But we have to take a very close look, and I recommend merging recommendations, eliminating single studies. Thank you.

JORDYN BUCHANAN:

I heartily agree with Carlos. I think that we've had a little bit of a tendency to just be like, "We can't figure it out. Have someone else figure it out instead." I do think that there's places where we said we didn't have enough data, this exercise is going to complete again, and let's make sure that data exists next time around. And I think that's fine, but I think we should take a close look at the places where we're recommending follow-up work to make sure that it fits into that category as opposed to just being like, "We couldn't figure it out. Someone else should go do our work for us."

JONATHAN ZUCK:

So take parking for example. Sorry. That's one example. Since we're all together, I'm almost inclined to go back through them and find those things and discuss them because let's try to make this conversation definitive.

So maybe we'll start parking as a conversation, but if you can go back through the recommendations and figure out which ones

are recommendations for a study to address Carlos and Jordyn's point, then let's look at them and then have the person recommending them defend that, with the exception maybe of Drew, in which case Laureen may be the person to service to channel Drew to justify DNS abuse study versus raw data collection that might be used by a future Review Team or a future analytical effort. So if you could look for those, that would be good and then in the meantime, I'll just push the microphone back to Jordyn because that's one we were part of, which was we didn't end up doing a study on parking but we think that there's something to be studied, and therefore, we recommend it being studied. So how do you approach that?

CARLOS RAUL GUTIERREZ: I think this is an excellent example and if we want to dive deep on this example, my personal conclusion is that we need a very good definition of what parking means. It was discussed in the meeting with the last study of the Delft University and so on. I don't know if we came to a conclusion there.

So from the technical point of view, let me summarize. I'm not technical, sorry. If it's not active, if it's not possible to do any abuse with this [park] issue, it's less problematic than the other way around if it's going to be used to fish for information

because nobody has activities this website and it becomes an offer to sell it at an over-price and so on.

For me, it was a discussion, we had no time, and maybe it doesn't make sense to do it here. If we can bring it down to a reasonable definition along the path of delegation to registration, what parking means, or neutral parking means, or uneventful parking means, I would be more than happy and this is just a definition that we don't have. Thank you.

JONATHAN ZUCK:

Thanks, Carlos. I don't know how to jump from your response to a notion about whether or not we should be recommending further study in the area of parking. We made a cursory attest of one hypothesis that was nondispositive. So that's what we end up having in our parking section, is that we did very little analysis of it and that little analysis we did is nondispositive. So that's our result.

So before us are the options of commissioning a parking study ourselves and extending the life of the Review Team. It's suggesting that as a recommendation, that a study on parking take place or more in the abstract, it's about trying to identify the data that would be necessary for further parking to happen and then to make sure that data is being collected, which is what you were getting at, Carlos.

And I guess it's those three options that we should probably [inaudible] about these studies.

CARLOS RAUL GUTIERREZ: We have four options now. No study, data might be useful. It's even less than just collecting data. It's just a clear definition. That's a very, very short exercise, so to make it clear, no study, no further study. I agree and data might be useful but it doesn't make sense to collect data without a very good definition of what parking are we looking for, just that definition.

JORDYN BUCHANAN: Parking is an interesting question because we spent quite a lot of time discussing it in order to get to not a lot of conclusions about it.

JONATHAN ZUCK: What's the reason for that? Mostly data?

JORDYN BUCHANAN: I think the reason is that it's hard. It is, as Carlos alludes, there's not a clear definition of what we mean by parking and certainly, each of the various flavors of parking that could be included in a definition of parking would have potentially different effects on a variety of topics that are in our remit ranging from competition

to [inaudible] of this, wondering whether or not a park domain is as real as a normal domain from a competition perspective and also wondering whether or not park domains are vectors for DNS abuse.

So as such, I think it lends itself well to further study. After some thought about [state] of the work where we are, I have been similarly inclined to Carlos to say that it seems problematic for us to just sort of kick off a bunch of further studies. So I think from a principle perspective, even though I think it would be a fascinating area to study and might even help a future CCT, I'm not sure that it rises to the level of something that we say, "You know, ICANN really has to do this," based on, at least, the [inaudible] that we have ahead of us.

I think one thing that we might do is identify interesting areas that would be deserving of further study that we couldn't get to or we did some investigation [inaudible] but were interesting, and say, "Hey, if the community wants, they could think about studying these additional areas," as opposed to including it as a outcome of our work, which is maybe a distinction without a difference.

I don't know, but certainly, in terms of the force that it has with the Board and the expectation that this is something that we think is a required reaction to launch of the New gTLD Program, I

would be inclined to not do the parking study even though I would really like to see a parking study. I don't know if that makes sense.

As an issue of our charter, I start to feel like we're doing a lot of "We didn't get stuff done; kick off stuff in the future," which doesn't seem like quite the cadence that's expected by the Bylaws.

LAUREEN KAPIN:

The conversation concerns me because part of the reason that this Review Team struggled was because of the lack of data and part of the discussions that we've had consistently is trying to ensure that our recommendations were either going to be based on data or we were going to position future Review Teams to get that data.

So what I'm hearing now is this resistance to recommending studies, but in many cases, our specific recommendations, certainly in the safeguards context, were an acknowledgment that there are specific safeguards directed to achieve certain goals and we don't know if those goals have been met.

I don't see the fact that we don't know that those goals have been met as a failure of the Review Team's efforts. I see that as part of our role to highlight where there is an absence of

information, and I think it's a useful recommendation to say, "Gather this data to see whether this particular safeguard has been effective."

Now whether the community decides that's a great use of resources or not, yes, that's certainly the basis for discussion. The Board is going to decide what they can do consistent with budget restraints. I accept all that, but I disagree that we should not be recommending studies when we have already identified an absence of information that really would be needed to make logical and information-based decisions as opposed to "We think it would be a good idea to do this because we're all experts." We've decided we're not going to take that route, so I'm very uncomfortable with the suggestion that it's a bad idea to recommend studies.

JONATHAN ZUCK:

Just for the record, I think that both Jordyn and Carlos are making a distinction between data collection and studies, though. So in other words, I don't think anybody is suggesting that we pull back on the recommendations to collect data so that it might be studied in the future. Right? I guess that the threshold question for a study might be whether or not the answers or results of that study are dispositive of "Go forward with subsequent procedures."

To me, that really might be the threshold question is that we might be saying that unless this study happens and the outcome is X, then we recommend not going forward or something like that. Otherwise, then the pure data collection means that the data is available for study later on by a future Review Team or by subsequent procedures but we're not commissioning a study a la the analysis group or something like that, which I think was the point that Carlos was trying to get to because it's cropping up all over and Jordyn's trying to get to, which is that it feels like a punt unless, like I said, there is some sort of threshold associated with it and we've got to come up with a criteria as a group because maybe there's one study that we end up recommending because we read some conclusion that it's imperative before there were subsequent procedures, but we try to be more data-focused otherwise, or something like that. I don't know.

LAUREEN KAPIN: Maybe I'm not understanding the distinction between data.

JONATHAN ZUCK: In some instances, the DNS abuse study was a commissioned study we went out and did, and there's a recommendation to keep doing that study whereas one of the things that made – I don't know what another example is – but the parking thing, if

we could identify the data that wasn't available to us that made our own analysis of parking sub-par, we could recommend the collection of that data going forward so that a future parking study could happen that wasn't able to happen under our watch as opposed to saying, throwing over the [inaudible] have a parking thing because a lot of the feedback in a lot of these things, again, if I'm channeling Carlos and Jordyn right, was, "Well, what do you want us to do with this study? Once there's a study, are you saying that if you have Outcome A, then X should happen, if Outcome B, then Y should happen?" In most instances, we're just saying it would be better if we knew, but we ought to try to get to the actionability of that study or that data if we're going to ask for a study to happen, if that makes sense. I don't know.

Carlos, go ahead.

CARLOS RAUL GUTIERREZ: Yes, thank you. I agree with your summary, Jonathan.

Laureen, I have a problem. I think that the Internet lends itself to abuse in general, okay? And I think it's very important. It's a very big issue. It's more important to me in the framework of ICANN than discussing human rights or Internet Governance Forum and so on.

But I think within this group, we didn't start from a clean sheet of paper. Our assignment was to test if the idea of the expansion was a good one. Okay?

So while I think that we could spend years discussing abuse and fighting to reduce abuse and so on, what I am scared is the message that gets out if we come out here and say, "Abuse, big problem," and so on. What happens with the evaluation of the expansion, and what happens with our green or red light to further rounds? And it's very difficult to say that while the expansion was good, abuse is bad.

But my feeling is I've learned a lot about abuse. That's why I moved to your side of the table, to learn about that. But we don't have very conclusive arguments to say that it is because of the expansion, okay?

LAUREEN KAPIN: Sure.

CARLOS RAUL GUTIERREZ: And this is the important thing when we come down to the second version and the recommendations is we have a shotgun. I mean we can shot the next rounds so we have to be careful with that gun. So thank you.

JORDYN BUCHANAN:

I would just add I do think there is an important distinction between sort of saying, “A future CCTRT is going to need some additional data in order to be effective,” and that’s a rec made versus “This is an interesting topic; someone should go study it.” And parking strikes me as actually a canonical example of the latter.

I think even if we had perfect data about parking, I think we actually ended up with pretty good data about parking; we just didn’t know what to do with it because it’s like a super-complicated topic and I think it probably does deserve a study, but it’s hard for me to look at the remit of our charter and kicking off studies about interesting topics within ICANN is something that we ought to be doing.

And so I do think the community would benefit from that. I just don’t think it’s our job to suggest that ICANN goes and spends a bunch of time understanding the general topic. It would have been helpful to us, but it’s not because there was a lack of data necessarily. It’s just because we didn’t understand what to do with the data once we got it. Someone could go write a Ph.D. on this topic, probably and that would be a worthy effort to try to piece together all the plausible dynamics whereas I think with pricing, as a counterexample, we were just like, “We can’t make

reasonable conclusions about the effects of the introduction of gTLDs and competition because we're missing this specific data," so if a future CCT had that data, they would be much more effective at actually accomplishing the job within their charter, and so therefore, we should recommend that that data is around when this happens again in five years or whatever.

So that's the distinction I'm trying to draw, I think, and it's not always going to be that clean. But somehow, drawing out between, "Hey, interesting topic that it would be cool if we knew more about" versus "Hey, if we had this specific information, a future CCT would actually be able to do its job more effectively."

JONATHAN ZUCK:

Let me just play devil's advocate for just a second because we're trying to asses this out and I know your hand is up. So Stan did the calculations about what the implication would be to competition statistics if we controlled for all the parking, and we've gone back and forth on whether that was the right calculation to do and everything like that, but let's say it was and let's say that that number was significant enough that it meant that there was zero change to the underlying market share and because of the hypothesis that it's all been speculation, it didn't really represent competition, and so as we're doing our competitive analysis – not competitive analysis,

what's the word I'm looking for? – the cost benefit analysis that Larry Strickling asked us to do, then anything that David was able to come up with from the standpoint of a cost would outweigh the precompetitive effect of the New gTLD Program. Right?

So in that context, parking is dispositive of our work and not just something that's of interest if, in fact, the New gTLD Program and there are certainly many in the community who believe this is the case, that there was no competition created by the new gTLD program for X, Y and Z reasons. And so I guess that's my question, that understanding the role that it plays and maybe the fact that the numbers weren't that significant. In other words, had those numbers actually eliminated the market share difference or the concentration difference, maybe we'd be having a different conversation now. We looked at the worst case and the worst case still showed, gave an edge to competition, but absent that, it could have been completely dispositive whether or not parking was precompetitive or not, right?

JORDYN BUCHANAN:

I think for that to be true, the parking rate would have had to have been 100%. You would have had to have two simultaneous things be true. The parking rate would have had to be 100% and

we would have to decide [inaudible] had no impact on competition, which seems like, I don't know.

JONATHAN ZUCK:

It becomes a question of degree though, and obviously, I don't mean, but if you talk to the people like John McCormack, or Barry Cobb, or whatever, they would argue that that expensive definition of parking you had is 98%, not 68%, that there isn't a whole bunch of new people on the web now and that the numbers are closer to 100% if you use that really expensive definition that we used. So I'm just saying this particular thing is a hot potato, this parking thing, as opposed to being an interesting thing that I wish I knew more about, feels a little bit dismissive of its role in the community's understanding about whether or not we should go forward with the program.

JORDYN BUCHANAN:

My counter would be that there could be any number. We spent a bunch of time talking about parking, but there could be any number of factors. Like Kaili has talked a lot about Chinese speculation. We didn't do a ton of investigation, and that's something else John McCormack has brought up as well, like this speculative bubble in China that affected both legacy gTLDs and generic new gTLDs. We didn't really, there's some passing reference to [inaudible]. We didn't make any real effort to

investigate this Chinese bubble and what its effects on competition even though it occurred exactly during our study period, and even though it appears to have had a really significant [perturbation] on the marketplace for about a year.

That's an interesting topic, too, that we could have spent all of our time talking about parking and talking about Chinese speculation. But I still don't think at the end of this, it would be reasonable to say, "That could have really changed the outcome. We didn't really understand it that well. Let's do a study on Chinese speculation," or a couple of years ago, it could have been domain [kiting] or something like that.

There's always some interesting thing going on in the DNS marketplace. I just think in order to get at the rough – and I guess you're theoretically correct that any one of those interesting things could totally overwhelm the marketplace such that that becomes the factor that drives the competition analysis. I don't think that's very likely. I think that by and large, the general way that markets behave in terms of are people buying the new product, how much money are they paying for them, is it resulting in better outcome [to] consumers? That's mostly what any reasonable analysis of the competitive landscape are going to look like, and so I don't think it's necessary to launch off big studies of these external factors even though they look really [inaudible].

And I just think that if you look specifically at the context of our charter, which is to try to understand the effects of competition and consumer choice, I think parking, obviously, is a topic that affects that. I think for the vast majority of users, it doesn't really affect them one way or the other. It's just a thing that happens to be happening in the milieu.

WAUDO SIGANGA:

With regard to this issue of parking, if you remember, originally, it became important for us because why not show whether the level of parking had changed or was the same between the legacy and the new gTLDs. That's when we were trying to calculate competition. So that was the issue at that time and we had the statistics for the new gTLDs, but we did not have for the legacy.

And if you recall, we went back, I think, to [inaudible] or something and now got the figure for the legacy. And the difference was around 12%.

JONATHAN ZUCK:

20, I think.

WAUDO SIGANGA: 20. Oh yeah, if you count it as a percentage that way, but I remember one was 56 and the other 68. That's around 20%. And when we looked at it in our total analysis, we kind of decided that it wasn't a big enough difference for us to really think that it's affecting the competition.

So from where we got so far, I think we answered most of the questions regarding parking and demanding that we had find out about difference that the new gTLDs that we had brought to competition. So I don't know. I would not see the need, really, to go further with what we call a study on parking when actually I think we had kind of answered the question to some extent. That's my view.

I wouldn't think now, originally, when we had not understood the issue properly, like when we were in Hyderabad, we were thinking of a study but after we got the information from nTLDStats, I think we kind of answered the question. Thank you.

JONATHAN ZUCK: It's my recollection that it was this recommendation for a study that took Kaili off of his minority report. Are you comfortable with not recommending a study on parking? That's what we're discussing, so I just want to air everything here, I guess is my point, rather than later on through a stream of e-mails and things like that.

So what we're discussing right here today, and we're going to go through other recommendations we're making for studies because that's the issue that Carlos raised and that Jordyn supported is looking at where we've made a recommendation for a study to happen, and I think we've been rightfully criticized for not describing what purpose that study should serve other than general interest, so we either need to say, "and if the result is X, then do Y, and if the result is Z, then do B." Sorry, I didn't leave myself enough letters. But you get the idea.

So I think we're going to go through these, but we've now talked about parking and so I'm kind of interested in the consensus of the group. I've tried to kind of play devil's advocate on behalf of having a parking study. What are people's feeling and do we have consensus that we might drop the Recommendation 5 to do a study on parking? But I wanted to wake you up and draw your attention to that, Kaili.

KAILI KAN:

Thank you, Jonathan. Yeah, personally, I would still like to recommend a study. Well, that's it. Thank you.

WAUDO SIGANGA:

I think when we are doing this recommendation, it's particularly for studies, I think it's also in the back of our minds, I think it's

important to try and to remember, or to figure out whether the recommendation is dealing with something, a generic problem within the DNS ecosystem or something that is specifically related to the introduction of new gTLDs because we can come upon some problems that are generic in the DNS and maybe be tempted to come up with recommendations for that.

But I think our remit, our mandate for this group is really things that are dealing with the introduction of new gTLDs. So since we discovered that there wasn't much big difference between parking in legacy gTLDs and in the new gTLDs, I think it would not help properly for us to come up with a recommendation to do something, like parking, which is just an issue within a generic system rather than to do with new gTLDs.

JONATHAN ZUCK:

Thanks, Waudu, and I do want to underscore that our mandate is about things that were specifically the result of the introduction of new gTLDs, no question. So let's make sure that that's a rule that we apply to everything that we do.

I will say that, again, if Stan were still sitting here, he considered 20% to be significant. That's why we went on. So it wasn't that there was consensus in the room that 20% wasn't a big deal. That was something that got discussed as a significant difference between the legacies and the new gTLDs at the time.

JORDYN BUCHANAN:

So we lost a little of Stan’s perspective on it at the end, but I think Stan’s original motivation was, “Woah, this parking number is really high.” It also turns out the parking number is really high in the legacy gTLDs and I’m not sure we got into that much of a discussion of whether the difference between the two, it’s obviously a meaningful difference. Twenty percent is not just something you say, “That doesn’t matter at all.”

But certainly, we started off saying, “Oh my God, a majority of the new gTLDs are parked,” and then we looked at the legacy gTLDs and we were like, “Oh, it looks like a majority of those are parked as well,” so I think that really changes the dynamic as to whether you think about this being a problem or interest area that is specifically related to new gTLDs.

Once again, I would propose as a compromise here that as opposed to making this a recommendation, we have a section that’s like, “For Further Study,” that just says, “These are interesting areas. Parking, there are a lot of domains parked. We spent a lot of time talking about it. We didn’t really understand it that well. It’s something that ICANN may want to understand, but we don’t necessarily think it’s in our scope to make a specific recommendation there.

JONATHAN ZUCK: [Inaudible]

KAILI KAN: Thank you, Jonathan. Well, for parking, I think that originally, it came from how much is the validity of our competition analysis because if more than half of the new registrations, no matter legacy or new, more than half, maybe then our entire analysis of competition doesn't make sense at all. Okay, so that is where we came from.

Now on the other hand, well, I think just like everybody else, we don't particularly love minority opinions, so if the team decides to withdraw a recommendation for specific studies, I think what Jordyn suggested to have the new recommendation in a text to provide our findings to the public, to ICANN for the future and leave that as part of our inheritance, I think as long as it serves that purpose, I think that's fine. Thank you.

CARLOS RAUL GUTIERREZ: Yes. I really think what we are saying, [were not] the studies, we don't want to delegate a third party, an external body, to do a study. I think we agree that ICANN has to keep track of parking because the number is significant and we have to recognize that we don't have a good definition and it's ICANN's role to evaluate what the impact of parking is in terms of stability, in terms of the

technical moment when parking stops to be parked and from the legal point of view of the rights of these names, and so on, and from the cash flow point of view, what happens if parking has a higher risk of nonrenewal because the whole assumption is that the expansion is a big expansion, and with expansion, we need money and parking looks fine because people are paying. But what is the risk? That they stop paying. Those are conclusions that are very important, a very strong message, but does not require to go out and spend \$50,000 to \$150,000 for a third party. Thank you.

WAUDO SIGANGA:

So I think then this issue of parking, everything hinges on how we determine that 20%. If it's significant, then maybe further studies will be justified, if we decide that it's significant, the 20%.

KAILI KAN:

Just to make sure that, I think we recommended for ICANN to collect parking data. That is still there, right? That still stands. Is that correct? Thank you.

Oh, I mean, not to recommend the study officially, but we recommend collection of data. That is still there. That is correct?

JONATHAN ZUCK: That's [inaudible] now we're looking at [inaudible].

UNIDENTIFIED FEMALE: [Inaudible].

JONATHAN ZUCK: I finally just read it and [inaudible].

KAILI KAN: So anyway, we are still recommending collecting data.

JONATHAN ZUCK: Yes.

KAILI KAN: Okay, great. Thank you.

JONATHAN ZUCK: All right, so what's the next thing?

DAVID TAYLOR: Thank you, Jonathan. What I was actually going to suggest was we change just as the epiphany arrived there, that we change the recommendation title because it seemed to me there we're saying "collect parking data" and we're understanding that this

might mean a study, and then we do talk about conducting further analysis but a future Review Team. So we kind of go down that path, so that's where the ambiguity is.

But the essential for me is ICANN should regularly track the proportion of TLDs that are parked. We're saying ICANN should track it, and it's regular. We want to see where this 20% becomes 5%, 2% or 100%. That's what we need and if ICANN doesn't track it for any reason, then there should be a study done. But if ICANN's tracking it, that's great. So as long as we got that obligation, rather than say "recommendation: collect parking data," can we not say something there that the recommendation is ICANN regularly track this data and we set more specific as opposed to that open "collect parking data"?

JONATHAN ZUCK:

I think that my perception comes from the text, maybe, of the parking paper that we've been circulating. I feel like it's more, it says, "For the studies required," or something like that and that's why it's in my head. So I don't know if it's worth looking at that again or not, but the recommendation seems fine the way it's worded now, I think.

Jordyn, go ahead.

JORDYN BUCHANAN: Yeah, and that may be the exact compromise we were talking about earlier, right, which is to say, “This is an interesting thing. A study would be great, but –

JONATHAN ZUCK: They did it in the pricing section.

JORDYN BUCHANAN: Right, but we don’t –

JONATHAN ZUCK: [Soft] recommendation or whatever, yeah.

JORDYN BUCHANAN: [We’ll] rise to the level of actually making the recommendation.

JONATHAN ZUCK: Apparently, here we don’t. So Jean-Baptiste, where have we recommended an actual study be commissioned?

JEAN-BAPTISTE DEROULEZ: Apart from the one in parking, there is one on Recommendation 9. There was a request for –

UNIDENTIFIED FEMALE: Surveys.

JONATHAN ZUCK: Waudo has asked if that's the same thing as a study and I guess, in a sense, it is. But it's also just a way that data is collected in this particular case, so it's not really an analysis as much as it is a mechanism for data collection on consumer behavior. So how do people feel about that? I guess in my mind, it's just a mechanism to collect data as opposed to a study.

Carlos, does this pass your test? Right, I just don't think there is a way to track it without fielding surveys. I think that's the problem.

UNIDENTIFIED MALE: Probably that's a limitation of my English. For me, a survey is a one-time snapshot, as long as it's being done regularly and that creates time series, I'm fine. I don't know what the exact definition is, but under survey is, let's see what's happening. Today, we bring Nielsen in, and two years later, the questions were bad, let's do it again, but different questions. That doesn't help. To work with third parties and changing questions and so on, doesn't give a trackable record. So however you define it, if survey covers it, I'm fine. I'm biased. I think that survey are those one-time shots. If not, I'm fine. Thank you.

WAUDO SIGANGA:

I think for this particular one, we need to look at the rationale that we gave for having this survey which was the inability to determine registrant motivations and behavior, which is part of the issue that you are covering in the work that we did. So if we decide that we don't want the survey anymore, then we'll still have that problem.

ELEEZA AGOPIAN:

Thanks. So this is one where there is a Recommendation 11, which also talks about ongoing surveys of registrants and other consumers that's somewhat related, and then there is also another recommendation. I think this one, perhaps, came from, Laureen, your team, on studies on which TLDs people visit and what factors into their trust of those domains.

So just for your information, when we're looking at this from an implementation perspective, how might we design such a survey? These things all seem to come together. You're not going to do a study on that when you have a survey of Internet users. So these might be areas for further consolidation because they all are kind of part and parcel of the same topic.

JONATHAN ZUCK:

Thanks, Eleeza. I think that's an excellent point. So the question, though, is "Is there agreement on the table?" – and if there isn't, raise your hand – that surveys like this really represent the collection of data and then we need to fine tune what that recommendation looks like, but we're not eliminating the ongoing collection of data via surveys because it's not the same as a Ph.D. dissertation.

All right, so let's say that we decided that we're going to keep the surveys in, but as Eleeza suggests, we need to do some consolidation and make it all about a single survey that gets conducted on a periodic basis that incorporates recommendations from Stan and recommendations from Laureen into one survey. And then we'll be part of the implementation phase to really nail down what those are.

Yes, Kaili?

KAILI KAN:

I want just one thing to be clarified for me. When you talk about studies, are we talking about hiring outside consulting companies [to do] a study or where refrain from recommending ICANN to organize another Review Team like ours.

So when we talking about study, we are talking about outside consultants. Okay? Well, in that case, I would prefer for that

parking we recommend a Review Team organized. Will that make sense?

JONATHAN ZUCK: And there will be another Review Team, and we have a recommendation in there that the Review Team consider parking as part of it. So I think it's worded the way that you're asking now.

KAILI KAN: Exactly.

JONATHAN ZUCK: And we're not going to change it. That's the conclusion we reached. We're not changing that particular Recommendation.

KAILI KAN: Right. Just to make sure [inaudible].

JONATHAN ZUCK: Yep, perfect. Thank you.

KAILI KAN: Thank you.

JONATHAN ZUCK: So is everyone in agreement that surveys are in? That's the question I'm trying to ask now. Is that what your comment is about?

KAILI KAN: I want to comment about consolidating the surveys.

JONATHAN ZUCK: Then just hold a second. Is there anybody that objects to ongoing end user registrant surveys for the purposes of collecting data, time serious data that can be used by future Review Teams.

Okay, so consolidation, which is Eleeza's point. Waudu, please go ahead.

WAUDO SIGANGA: I would be a little bit wary about the consolidating the surveys for a number of reasons.

First of all, each survey has got its own rationale, so that has to be put very specifically. I think it's also related to what Lauren said here that when you consolidate, you lose some of the fine information that relates to what you are trying to do. That's one thing, the rationale.

The other thing is that all the surveys have a price component, which is to be useful to put in the detail of the recommendation. So for each survey, it's different. So for those two main reasons, I think that I would rather leave the recommendations for the surveys separate so that also when you give to the Board, it's easier for them to make the go-ahead to the [inaudible] survey by survey.

JONATHAN ZUCK:

Which, Waudo, is the granulation question that I was talking about. But I think Eleeza's point is purely a practical one, that in instances in which we have multiple recommendations, each of which are just questions that would be addressed to the same audience, that that will probably still be one survey, that just as a practical matter, whether we do it as part of our recommendations or it gets done as part of implementation, the net result is only going to be only one end user survey and then we're going to try to combine the questions together rather than having two separate surveys despite the fact that there are two rationales for them.

WAUDO SIGANGA:

Agreed. If it's one survey, yeah.

JONATHAN ZUCK: Did I capture your –

ELEEZA AGOPIAN: You did. I would also add it is one survey. When we looked at this, it would really be approached as one survey, although there are some areas where I think there is overlap between, for example, 9 and 11 which mention registrant surveys and 13 which talks about a study, which is a different approach but some of the questions that were raised in Recommendation 13 about which domains registrants trust, could be addressed so the implementation of certain recommendations lend themselves to surveys versus something else, a white paper, for example.

And then to the point regarding price, we based our price estimates based on the cost of the previous survey, so it would be one price for one survey if it appears in multiple places, if it consolidated, it would be one price estimate, and these are estimates. I will say that too.

LAUREEN KAPIN: I know I'm jumping the queue, but just to respond directly to Eleeza, I think we certainly could add a note to the recommendations. Recommendation 9, 11, and 13 could be conducted through a single instrument survey. But I'm mindful

as Waudu points out, we have tied these recommendations to text, data and rationale, and they can't cohesively and logically be all mashed together in the report. But what we certainly can do is say, "These all clump together for purposes of a survey. These all clump together for purposes of data collection." I think that's something we can and should do, but we also want to keep the logic and the clarity for the recommendations as well.

JORDYN BUCHANAN:

Per our previous conversation, I think actually this is a really good example of where we should be consolidating the recommendation. I think there's ways to address the fact that they're different parts of our analysis get to doing the same type of survey in that we could make the recommendation once and refer back to it in a couple of other places or something like that. I think that's something we can work through in terms of how we work the text. I don't think we should let the fact that we happen to structure our report in a particular way mean that someone needs to read roughly the same recommendation four different times and then understand that it's not actually four different recommendations; it's actually one recommendation that comes together a few different times.

LAUREEN KAPIN: But if we're going to use this as an example, those first two recommendations go to consumer choice. Recommendation 13 goes to consumer trust. We're not going to be putting those in the same section of the report.

JORDYN BUCHANAN: That's my whole point, though, is that we shouldn't let the fact that we are structuring the report a certain way make us repeat the same recommendation over and over again. We can figure out how to say –

JONATHAN ZUCK: "This is in the wrong section."

JORDYN BUCHANAN: Right. Well, here's the recommendation. The first time we make the recommendation, make the recommendation and then subsequently say, "The recommendation that was made in the consumer choice section," or "The recommendation that was made in the consumer trust section is also needed in order to support further work in this area, so it's endorsed here as well or something like that as opposed to making it too distinct recommendations that end up recommending the exact same survey.

LAUREEN KAPIN: It sounds to me like this is something that can be worked through with specific text. If you make a general recommendation the first time, an end user or whatever you're going to do, whether in this case, a registrant survey, then you certainly could amplify it in subsequent recommendations, for example, on consumer trust that the recommendation for registrant surveys that you read about when we were discussing consumer choice, add to it "for these specific issues that get to consumer trust issues". Is that what you're thinking about?

JORDYN BUCHANAN: Something like that, yeah. But we'll get specific text. But just make it clear. I think we should make it clear that we're really recommending one survey, not four times recommending different surveys of the exact same people.

JONATHAN ZUCK: Another example that is Recommendation [inaudible] category of being more generalized and so the survey is a perfect example of something. We're recommending a regular end user survey or registrant survey.

JORDYN BUCHANAN: Yeah, I agree. I think we could put a lot in Recommendation 1, actually, which is we just have this data gathering ability, and by the way, ICANN already did these particular surveys which we thought were really helpful. We should keep doing that and potentially [inaudible].

JONATHAN ZUCK: Oh, you're even talking about merging. I was talking about putting them in a section.

JORDYN BUCHANAN: Oh, a section. Yeah, that might be fine too. I don't know.

JONATHAN ZUCK: We can take a look at both.

JORDYN BUCHANAN: We can figure that out.

JONATHAN ZUCK: Okay.

JORDYN BUCHANAN: I think that somehow, if at the end of this, we ended up with like [inaudible] recommendations instead of 50, I think the community would thank us.

JEAN-BAPTISTE DEROULEZ: Yes, [inaudible]. But can I just suggest you take a break because you were [inaudible].

JONATHAN ZUCK: Sure. Take a ten-minute break.

JEAN-BAPTISTE DEROULEZ: Thanks, Jonathan.

JONATHAN ZUCK: Excellent. So I'm going to hand the microphone back to Jean-Baptiste who is finding "conduct a study". That looks like a good one, Recommendation 13. But that's one of the survey ones, right?

LAUREEN KAPIN: It's not phrased that way.

JONATHAN ZUCK: But it looks like it is, just study questions.

JEAN-BAPTISTE DEROULEZ: And this one was actually submitted for consolidation so I can put the consolidated version which is Slide 101. There you go. Okay.

JONATHAN ZUCK: Right at the details. Do you have the –

JEAN-BAPTISTE DEROULEZ: Sorry.

JONATHAN ZUCK: Go one above, maybe.

JEAN-BAPTISTE DEROULEZ: Yes. So the recommendation itself has not changed. It's still asking to conduct a study to identify which new gTLDs have been visited most, the reasons users identified to explain why visited certain new gTLDs more than others, and what factors matter most to users and determining which gTLDs [inaudible] and how users' behaviors indicate to what extent interest in new gTLDs.

JONATHAN ZUCK: So I would ask Laureen and [Gao] first of all, whether or not there's any reason that this is a study versus a survey. Or is this just a wording question? [Gao]?

UNIDENTIFIED FEMALE: [inaudible]

JONATHAN ZUCK: Sorry, recommendations 13, 15, and 33.

UNIDENTIFIED FEMALE: Sorry, I just [inaudible]

JONATHAN ZUCK: That's all right. Laureen, why don't you go first? And what's your impression?

LAUREEN KAPIN: Sure. [Gao], you can catch up while I'm talking, and let me know if you agree. Are you okay? Do you need to go out? So actually, this strikes me as something that really is recommending a survey, and I think it could easily be changed to replace the word "study" with "survey." This recommendation [came out of] the Nielsen surveys that tied levels of consumer trust to familiarity, so this really tries to get at why [people are] familiar with gTLDs,

why they choose to visit gTLDs, and then all these three recommendations are consolidated because they share similar subject matter.

13 goes to consumer trust, 15 really recommends repeating elements of the existing Nielsen survey, so those are a natural option for consolidation. And then 13, even though it comes –

JONATHAN ZUCK: 33, you mean?

LAUREEN KAPIN: I'm sorry, thank you. 33 [inaudible] and precise. 33 comes later in the discussion, but it goes right back to the same related issue of trustworthiness, and trustworthiness as it relates to restrictions. So I think all three do make sense to consolidate in a single instrument, even though 33 I think may – it potentially could include not just registrants. I need to go back and look at the report to see what's complicated. This is probably end users. They're probably all three end users. But in any event, it makes sense to me that they could all be done through a survey instrument.

JONATHAN ZUCK: [inaudible] does that make sense to you?

GAO MOSWEU: It makes sense, although on the surface of it, I was looking at 16B, 33B more related to 16. I don't know, just on the surface of it though, it's talking – 33 and 16, because 33 talks about restrictions on registration, and then 16 also talks about restrictions on registrations. I don't know if that's something that we can consider.

LAUREEN KAPIN: Yes, so you're right that they both deal with restrictions, but 13, 15, and 33 really go to the issue of trustworthiness, and 16 really talks about registration restrictions through the lens of DNS abuse, which is related to trustworthiness, but for the purposes of the focus of 16, really branches off on this abuse focus rather than the subjective end user, “Will I visit here? Will I provide personally identifiable information? Will I conduct transactions?” So in that regard, they're separate buckets.

JONATHAN ZUCK: Waudu.

WAUDO SIGANGA: [inaudible] about that wording problem is good, we're doing this exercise because as Laureen has already pointed out, it should be a survey, not a study.

JONATHAN ZUCK: Okay, so you're making the same point.

WAUDO SIGANGA: Yes.

JONATHAN ZUCK: So as a practical matter, Laureen, are you going to take a crack at the consolidation of those?

LAUREEN KAPIN: They're already consolidated, but we can tweak –

JONATHAN ZUCK: Tweak the language?

LAUREEN KAPIN: They're already consolidated, but we can tweak the language. That's an easy fix, yes.

ELEEZA AGOPIAN: If I may, would you then consolidate it with the larger recommendation? Because it's part of these – the single survey, or is it a separate survey?

JONATHAN ZUCK: That's my question too.

ELEEZA AGOPIAN: Is that your suggestion?

LAUREEN KAPIN: I think that I actually need to think about that further [inaudible]

ELEEZA AGOPIAN: And perhaps is that an implementation question, or is this –

LAUREEN KAPIN: I think it's an implementation, but that's my off the cuff remark.

JONATHAN ZUCK: I guess I'll throw out there just for reactions, it's my understanding that we've reached a rough consensus that we would have an overall recommendation to have regular end user and registrant surveys, and that's a single recommendation, and that these other things will feed into the substance of those

surveys. Is that right? Is that everyone else's understanding as well?

UNIDENTIFIED MALE: Yes.

JONATHAN ZUCK: Okay. So my question is, will you tackle attempting that? And then we can have more discussion about it, but it's the idea of wording it as a general concept of a recommendation.

LAUREEN KAPIN: So is that flowing from Recommendation 1? Is that what you're saying?

JONATHAN ZUCK: Unrelated to Recommendation 1. It could be, but I think it's more that we want the notion of a registrant survey and the notion of an end user survey to be a single recommendation, to each be a single recommendation at the very least. Waudo.

WAUDO SIGANGA: I don't understand why we should combine both registrant and the user surveys.

JONATHAN ZUCK: I don't know the answer to that question, so I'm being unclear and I apologize. But at the very least, the end user survey and the registrant survey should each be just one recommendation, not a series of recommendations.

WAUDO SIGANGA: Yes, so we shall have two sets of recommendations. One for users –

JONATHAN ZUCK: [inaudible] because I think oversampling on an end user enough to have a statistically significant registrant survey is too difficult, probably. What's your sense of that, Eleeza?

ELEEZA AGOPIAN: The way we approached it with the previous surveys was on the consumer survey, I think we just did it separately.

JONATHAN ZUCK: [inaudible]

ELEEZA AGOPIAN: Right. Yes, let me restate your question then. It's whether oversampling on the consumer survey is too onerous?

JONATHAN ZUCK: My question is, is it possible that there's a single instrument that could be used for both? And I believe the way that would be accomplished would be through oversampling of the end user survey to get registrants.

ELEEZA AGOPIAN: I wouldn't recommend that.

JONATHAN ZUCK: Right.

UNIDENTIFIED FEMALE: [inaudible]

JONATHAN ZUCK: So the answer to your question, those are two different recommendations, but everything to do with consumers should be one recommendation, everything to do with registrants should be one recommendation. That's what we're trying to do.

ELEEZA AGOPIAN: It's up to you. In my mind, it doesn't make a difference whether those are two or one. I think can address both issues in one.

JONATHAN ZUCK: As a recommendation, but probably not as instruments, is what you're saying.

ELEEZA AGOPIAN: Yes.

JONATHAN ZUCK: Okay.

ELEEZA AGOPIAN: And so that's an implementation question.

JONATHAN ZUCK: Okay.

ELEEZA AGOPIAN: Nine, and it's also mentioned in Recommendation 11, the registrant survey.

JONATHAN ZUCK: There's this distinction between trying to combine recommendations so that they're conceptually easier to digest, and then the little subconversation we had is as an implementation matter, could they be a single survey? And the answer is probably not. But they could potentially still just be a

single recommendation. That was the issue that was raised and that we haven't resolved, necessarily. So for now, why don't we make a recommendation associated with an end user survey and another recommendation associated with a registrant survey, and once we have those two, we'll make a recommendation about whether we can blend them.

LAUREEN KAPIN: That's fine.

JONATHAN ZUCK: Okay. And you're tackling the end user one?

LAUREEN KAPIN: Yes.

JONATHAN ZUCK: Okay. And you're tackling the registrant one?

JORDYN BUCHANAN: Sure.

JONATHAN ZUCK: Okay. That was Laureen and Jordyn, for the record, who said yes. Okay, what's next in terms of a study? Rec 16? Oh, that's one of the ones that we've [inaudible]

CARLOS RAUL GUTIERREZ: Yes, I think that it has expanded the definition of study in a very reasonable way, the way it's proposed at the very end. My question was if 35 still exists with this version of 16. So 16, I like it. The question was how it relates to the group that we had defined, 34 to 37 if I remember well, and if we're going to merge them or not. [It was more of] procedural issue. 16 looks nice to me now. Thank you. The red version in the bottom of the slide. Red marked? Red drafted?

UNIDENTIFIED FEMALE: Redline.

CARLOS RAUL GUTIERREZ: Redline. Okay, thank you. And it could be redrafted in terms of the survey as proposed. I have no problem. I think that has been the discussion that –

JONATHAN ZUCK: There's a whole lot of stuff in it, it's not just survey [inaudible]

CARLOS RAUL GUTIERREZ: Yes, I know, but the survey part is clear.

JONATHAN ZUCK: [inaudible] analysis.

CARLOS RAUL GUTIERREZ: I could summarize it the other way around. The PICs were never policy-based, so this is in a nutshell the result of something that happened in the process of delegation and signing contracts, and this is in my view very important, that we recognize that it should not happen again. The other way should be okay. If they're going to be PICs, they should be policy-based [inaudible]. It's exposed.

LAUREEN KAPIN: This is really taking a hard look at the whole issue of registration restrictions, and trying to figure out if the goal has been met, and also if they're effectively enforced. That's an oversimplification, but that's what this is getting at. Because there was this [inaudible] written into the contracts, there are certain restrictions based on the type of gTLD, whether it's a regulated or highly regulated gTLD. There's this whole three-tier system that has been set up through the contracts, and this really is seeking to take a hard look at that and say, "You've restricted these in this way. Has this impacted consumer trust,

and has it been enforced?” And maybe flip that, “Has it been enforced, and has it impacted consumer trust?” That’s what this is getting at, because the restrictions exist, and this is trying to ask, “Okay, well, what difference has it made?” That’s an oversimplification, but that’s [inaudible]

CARLOS RAUL GUTIERREZ: I fully agree with you. That was the first wave when in the GAC, we – because I was a member – recognized that some areas like banking and insurance became an issue, but there was a second wave which was a competition for more the community or other type of cities that during the evaluation process say, “Oh, this is a good idea, I’ll drop a few of those also on my application?” and those proposal – there are two layers of PICs. The first one, as you rightly said when the GAC took a look at highly regulated areas, but there was also a second wave of, “I’ll put some flowers and whistles on my application, and so I want to write – I’ll do it for areas which are more related to community or complying with promises to local governments and so on. I’ll build a school for you in the city of [Bar] in Slovenia” or something like that, which really happened. Now, there is a Mexico school in the country where [Bar] is. I don’t even remember where [Bar] is.

So the fact that all these PICs happened after the Applicants Guidebook, it's one thing that we really have to consider if it's the right way, because it was a competition for the photo opportunity, and we have to consider two things: did it work? And the second is, do we want it like this, beauty contest we call it, instead of a formal procedure for that?

JORDYN BUCHANAN: [inaudible] PICs, there are some of the PICs that require registration restrictions on the highly regulated TLDs. Looking at this recommendation, this looks a lot like a study. This doesn't use the word "study."

JONATHAN ZUCK: Right, it doesn't.

JORDYN BUCHANAN: But once again, a good Ph.D. would probably be admitted if this was actually going to be completed. And I do agree that this is a topic that's very much in scope and of interest to us, but it doesn't feel like it's like, "Here's the data that we would need in order to do it ourselves." It's like, "Go actually figure out the answer to the question of whether or not restrictions are working or not." And so I wonder if it might make more sense to just reformulate this as something as to –

JONATHAN ZUCK: Data collection?

JORDYN BUCHANAN: Like, “We were missing the following bits of data. Let’s make sure we have it so that the next go around, CCT2 can actually tackle this question.”

LAUREEN KAPIN: I’m not adverse to that. I’m wondering if that’s a distinction without a difference.

JORDYN BUCHANAN: I don’t think it is in that this basically, as it reads right now, I read it as saying, “Someone needs to go, not just get data, but do substantial analysis and come to conclusions about whether or not the...” basically it says, “Go figure out whether registration restrictions actually increase trust.” Which as I understand it is exactly like our job. And we weren’t able to do it, because we didn’t have enough information to do so. As opposed to just saying like, “Okay, we can figure it out, someone else go do it,” I think saying, “Let’s identify the information that we’re missing that prevented us from doing it, make sure that’s present, and then have CCT2 actually try to answer that question” seems

more right to me than just sort of saying, “We couldn’t do it, we’re going to punt it and have someone else [bout] for us.”

JONATHAN ZUCK:

And I guess just to reiterate, I think it’s very easy to have this recommendation beg the question, “Then what?” In other words, it becomes a study to what end though? Is it for use by a future CCT? Is it for use by the subsequent procedures, that they should use it to determine whether or not to do them in the near term? Is it a threshold type of analysis? I guess is not present in this either. And we have it as a low priority, which means we’re only really expecting it to get done by the next CCT review. It almost feels like this could be this idea of what ought to be done. That text could be moved into the body text where we discuss the issue, because that then becomes a recommendation for the next CCT to how they might answer that question, and the recommendation should be to make sure that they have enough data to do so. Does that make sense to other people?

So there are some good thoughts about how to use the data here that we’d want to share with the future Review Team, but they may even have additional thoughts. But what we really need to have happen as a result of our recommendation is that

they have sufficient data to do whatever analysis they're going to do when the time comes.

CARLOS RAUL GUTIERREZ: And by that we mean complaints about PICs, very specific things. Have issues been raised in terms of, “I don’t like the PIC,” or somebody fighting against the pic, or complaints about registration restriction, etc.? Very down to earth.

JONATHAN ZUCK: That’s right, and that’s the question. Is that data that can be collected at the time of the next review, or is it data that needs to be collected along the way? And if it’s data that needs to be collected along the way, we need to be specific about it. It can't be abstract. Do you want to take another try at this recommendation, potentially together with Laureen to make it about data collection for the next review team?

UNIDENTIFIED FEMALE: [Sure.]

JONATHAN ZUCK: And then feel free to then take some of this text and move it back into the analysis. Okay.

JEAN-BAPTISTE DEROULEZ: Next one is the consolidated Recommendation 25 to 30.

LAUREEN KAPIN:

So it strikes me that this is data collection, albeit some types of data collection might be more challenging than others. And it is directed to different entities, but this all focuses on the highly regulated gTLDs and the specific safeguards, public interest commitments that apply to this highly regulated category which, as Carlos pointed out, includes your banks, your highly regulated financial organizations, pharmacies, entities that you provide health information to, and I think also applies to charities and some other limited groups as well. But this also is trying to get at the question of, are the entities that are subject to these public interest commitments actually abiding by them? And that's really the focus of subparts A, B, and C. D is really focusing on complaints regarding domains in these highly regulated industries. E really relates to rates of abuse, and in that sense, it almost harkens back to the DNS abuse studies.

So these are disparate elements, but the thing that ties them together is really the focus on the specific public interest commitments that applied to highly regulated gTLDs, and whether those are being followed, and if they're being followed, what impact have they had? So it certainly could be phrased in

terms of data collection, but there would be I think a rather hefty analysis component or the team looking at this.

JONATHAN ZUCK: And is the next thing the next CCT, or is it more urgent than that? Is it subsequent procedures?

LAUREEN KAPIN: I'm trying to – can we scroll [inaudible] priority level? I think they all probably did have a priority level.

UNIDENTIFIED MALE: [inaudible]

LAUREEN KAPIN: No, because I think they all had a similar priority level. They all were high because these were the gTLDs that were thought to be – held the highest risk to the public, so it's really for the Subsequent Procedures Working Group. They're the one –

JONATHAN ZUCK: Not the ICANN organization then.

UNIDENTIFIED MALE: [inaudible]

LAUREEN KAPIN: The ICANN Organization may actually be the one who has to collect some of the data, but in terms of who's going to be analyzing it, it's for the Subsequent Procedures, because they're going to be tackling what – if there's a next round, what are going to be the ground rules? At a threshold level, the Subsequent Procedures Working Group will need to be added to the two.

JONATHAN ZUCK: Right.

JORDYN BUCHANAN: is the Subsequent Procedures PDP actually looking at any topic area related to this? It's fine to give them information, but if they're like, "Yes, we've already made a decision on this, it's going to continue to be just like it was last time," it may not matter what this data says.

JONATHAN ZUCK: What are we going to ask about?

JORDYN BUCHANAN: Yes.

JONATHAN ZUCK: And so the outcome of that conversation is, [would it affect] the priority level I guess of this recommendation, because we'd still want this data collected for a future CCT, even if it's moot for the Subsequent Procedures Working Group.

JORDYN BUCHANAN: Yes, I think that's right. I think it mostly goes to priority level, because it sounds like once again, this is data that the Consumer Trust and Safeguards Team wasn't able to draw sufficiently robust conclusions. [Minimum] we want them to be set up next time to answer this question. And if the Subsequent Procedures Working Group thought this would be valuable in their deliberations, then it would make sense to have it sooner than that.

JONATHAN ZUCK: Do you agree? I don't want to steamroll what your thoughts were on this.

LAUREEN KAPIN: I guess I would be loathed to put it as a low priority, which is where it would be shunted if the Subsequent Procedures decided they weren't grappling with this. I guess I would want to

have a further conversation if they had decided this wasn't within their remit. So I'll hold there, because I wouldn't agree with it being anything but a high priority, because this is the highest – these gTLDs pose the risk of the highest breach of trust to the public. So that's why it has that priority, and it would be loathed to change it.

JONATHAN ZUCK: Thanks, Lauren. So I guess it could be that if it's not on our radar, that we're sort of asking that it be.

LAUREEN KAPIN: Right, exactly.

JONATHAN ZUCK: Okay.

JORDYN BUCHANAN: And just to be clear, my statement was more along the lines of, have they already dealt with this topic and come to – I don't know whether or not they've done.

LAUREEN KAPIN: [inaudible]

JONATHAN ZUCK: I guess let's make sure that the next step is that we hear from them where they are on this topic, and then we'll address this again. I just want to make sure each one of these has some kind of internal resolution today. Yes, and it may change the two, the Subsequent Procedures [out of] ICANN organization, because it's them that we want to make sure study this before finishing their work. Okay. What's next, Jean-Baptiste?

JEAN-BAPTISTE DEROULEZ: I believe Recommendation 34.

JONATHAN ZUCK: Okay. Are you able to –

JEAN-BAPTISTE DEROULEZ: Actually –

JONATHAN ZUCK: Oh, a survey of registries. Right, but is it – which is low, so it's for the next CCT review then. Okay. So maybe we leave this alone. Does everybody make sense that this is already worded as something that's designed to provide data to the next CCT Review Team? Okay. All right, then let's go on. 34, That's Drew's.

LAUREEN KAPIN: That's Drew's.

JONATHAN ZUCK: And Carlos. So we can use Carlos as a proxy for Drew in this case, right?

CARLOS RAUL GUTIERREZ: [inaudible]

JORDYN BUCHANAN: Yes, did Drew say he was going to dial in in a second?

JONATHAN ZUCK: He was already dialed in I thought at one point.

UNIDENTIFIED FEMALE: [inaudible] very early on –

JONATHAN ZUCK: Now it's the middle of the night for him, I guess.

UNIDENTIFIED FEMALE: Yes, it's 4:00 in the morning for him.

JORDYN BUCHANAN: Wimp.

JONATHAN ZUCK: Exactly. When we were on the CCWG, that never made any difference. Made calls from 3:00 a.m. to 5:00 a.m.

UNIDENTIFIED FEMALE: Oh God.

JONATHAN ZUCK: On a fairly regular basis. Carlos, since you are here, how does this recommendation fall into the new Carlos rubric?

CARLOS RAUL GUTIERREZ: We're on 34, yes?

JONATHAN ZUCK: 34, yes sir.

LAUREEN KAPIN: This really relates to the DNS.

CARLOS RAUL GUTIERREZ: Yes, I didn't want to read that out loud. Is again consistency over time for me is crucial, so if there is a section in the survey that

can cover these issues, Eleeza, or if it is going to have a life of its own, would be my question.

ELEEZA AGOPIAN: This wouldn't be covered in the survey. It has to do with the levels of abuse, not levels of trust.

LAUREEN KAPIN: This recommendation really relates to the DNS abuse study to try and get specifically at the issue of whether registration actually have an impact on DNS abuse. Because we know – and this is why you went to the Nielsen surveys – the Nielsen survey indicated that there's a perception that registration restrictions increase trustworthiness. This recommendation is really asking the question, “Is that actually true in terms of DNS abuse?” So it's trying to get at the objective issue. Is there a correlation between registration restrictions and a decrease in DNS abuse? I think that's what this is getting at, and is asking the DNS abuse study to be repeated with a more specific focus on the –

CARLOS RAUL GUTIERREZ: The way I recall it is if we set it so narrow we might miss the point altogether, because what I recall from the survey is that new gTLDs are cheaper, and so people take them [immediately.] So there was a shift. So if we focus on the restriction only, we

might be missing the knowledge that we collected here. The way I remember it, of course, there was only a shift, and the reason for the shift was new numbers are fresh, they're cheaper, .xyz for free, so let's do it there. That the general level of abuse was about the same, but there was an incredible shift to cheaper ones, because the difference between a free gTLD and a \$10 .com is incredible. So when you say narrower, I'm afraid that – as long as we are working on the hypothesis of the general text, I'm fine with it.

LAUREEN KAPIN:

Yes, and just for clarity, Carlos, I'm not suggesting that [inaudible] iterations if there's a decision made to repeat the DNS abuse study – which I think is the subject of separate recommendations to repeat that. I'm not saying it should be only focused on this issue. This particular recommendation flowed from the section of the report focused on registration restrictions, that's why it only relates to registration restrictions, but there's no suggestion that future iterations of the DNS abuse study should only be focused on registration restrictions. Because as you correctly point out, there was lots of other data there, including a relationship between DNS abuse and low prices, for example, or free domains. So just for clarity, I agree with you.

CARLOS RAUL GUTIERREZ: So yes, so we're on the same wavelength, it's just a matter of the rationale while it's a standalone issue based on the experience of the main text or the [inaudible] study.

LAUREEN KAPIN: Yes, it's just the placement in the report.

JONATHAN ZUCK: Waudu, then Jordyn.

WAUDO SIGANGA: Laureen, maybe just to remind me, this recommendation 34, this information that will come out of this study, what could it for example be used for? TO increase registrations?

LAUREEN KAPIN: I think the issue is that this current round had registration restrictions, and the reason to collect information on whether it relates to DNS abuse I think is to decide whether and how future rounds should handle registration restrictions by asking the question, "Are they effective? Do they have an impact on DNS abuse? Or does this issue need to be approached in a different way than is the current approach?" So I think that's what the focus is. We have registration restrictions, and we want to

understand if they have achieved their goal to protect the public.

WAUDO SIGANGA: For example, what would happen if we found that they have not achieved the goal of reducing the –

LAUREEN KAPIN: I think you could branch off in several different directions. One direction might be to say, “Well, we shouldn’t bother with registration restrictions.” I wouldn’t argue in favor of that, but another approach would be, “Maybe these aren’t the right type of registration restrictions, or maybe something is missing here and needs to be added.” So that’s why I think as a first step, you need to gather the data to decide if you need a course correction, a course addition, etc. But if you don’t have any starting points, you can’t even begin to evaluate it. So I think this is really asking for a starting point and a foundation.

JORDYN BUCHANAN: I’m actually a little confused by the focus on registration restrictions in this recommendation, because I think this is already answered in the existing DNS abuse report which says that in fact, registration restrictions do result in less DNS abuse. I think that was a clear finding in the existing reports.

LAUREEN KAPIN: Well, this was written before the DNS abuse study.

JORDYN BUCHANAN: Right. So I guess my point is this seems to be out of date.

LAUREEN KAPIN: I think– and I'm channeling Drew here – it probably needs to be updated, but part of the recommendation is to repeat and refine to build on what we found in that DNS abuse study. So this doesn't reflect that yet, and I think to the extent you're observing that it needs to be adjusted to reflect the current findings, [I agree.]

JORDYN BUCHANAN: Yes. I would say that this recommendation has been totally overtaken by the set of recommendations that exist in the DNS abuse paper that Drew has put together.

LAUREEN KAPIN: So maybe we should put that [inaudible]. I agree with you, but I think you raise a question for us to take a closer look at.

JORDYN BUCHANAN: But yes, certainly the specific question being posed here I think was answered by the DNS abuse report, so at a minimum, you would need to reformulate this question, because I think what's being proposed here was done. And then if the question is just repetition, I think we want to get back to what end – because I actually think we learned quite interesting things from the DNS abuse study. It's not clear that doing it over and over again is going to necessarily provide additional insights. It may be that you would want to do it again prior to a future CCT, so as opposed to deciding halfway through the process, "Oh, we really need a DNS abuse study," that's already seeded as part of their effort. But it's not clear that if you just did it every year or something like that, who would consume that.

JONATHAN ZUCK: [What would be done with it.]

JORDYN BUCHANAN: It seems like a complicated and expensive report to just keep producing for the sake of producing it.

LAUREEN KAPIN: Right.

JONATHAN ZUCK: David.

DAVID TAYLOR: Thanks, Jonathan. I suppose it comes down to whether we want to be doing something like this regularly. Or if we have a CCT Review Team that looks at something for five years because it goes even longer than us, should it not be something that's repeatedly done so we have that data coming through, and it becomes automatic? Like we're looking for instance UDRP URSes, that's on the statistics of the ICANN website every year, and it's just updated every month or every six months. So we've got permanent data, because I think you can see trends coming from that which you wouldn't necessarily want to wait for a Review Team to sit and finalize a report.

I'm not saying necessarily do a full blown DNS abuse study every year or something. I don't know, but it just seems to me the regularity is something we should be looking for.

JONATHAN ZUCK: Yes. I guess I'm making a quick point, which is that ideally, with all our recommendations, we'd want the success factor to be something that got measured later, and we need data to do that. So at the very least, you'd want to gather sufficient data to see whether or not recommendation X actually had an impact on

levels of abuse for example, or something like that, because otherwise that policy should be changed, because it's like the safeguards are now, right? If they're not making any difference, should we keep them in place? We need constant data to do that, but constant data may be different than doing a whole study each time. It's more about, "Look, what are the factors we're looking to see? What needle are we looking to have change as a result of particular recommendations? And if that needle isn't moving, then that recommendation should be rendered moot or changed in the future.

JORDYN BUCHANAN:

I was just going to say I think with regards to DNS abuse in particular, I do think Recommendation 3 in the new DNS abuse paper is designed to get exactly at that sort of, "What is the repetitive stream of data that would be useful and actionable for – in this particular case – ICANN Compliance?" I think that's called out in the new recommendations, and so the question is, what would be the value of doing the full scale DNS abuse study again? I think that's a different question, and that seems likely to just be a future input into CCT RT 2.

JONATHAN ZUCK:

Other thoughts? I'd love to just drive these conversations to something that's positive. And we probably shouldn't make a

final decision about this without Drew, but are people inclined to agree with Jordyn’s last statement that the new recommendations associated with the new DNS abuse paper that Drew has provided deal with ongoing collection of data and that likely, we’re not trying to have a new version of the DNS abuse study done as a high priority?

Does that make sense? Did my question make sense?

UNIDENTIFIED FEMALE: Can you repeat it?

JONATHAN ZUCK: Yes. So the recommendation seems to indicate that as a high priority, i.e. with whatever high priority was, the next 18 months, there would be another DNS abuse study, versus the current Recommendation 3 out of Drew’s new paper that talks about data that we should be collecting on an ongoing basis to facilitate the work of compliance and future analysis. And so I think where we’re headed in this conversation is that we don’t need another DNS abuse study in the next 18 months.

UNIDENTIFIED FEMALE: That’s right.

JONATHAN ZUCK: But that instead, we need to use the Recommendation 3 to have ongoing data collection. Does that make sense to everyone?

Okay, so let's record that as the outcome from this conversation, pending a sanity check by Drew. Yes, this recommendation is probably gone.

UNIDENTIFIED FEMALE: [inaudible]

JONATHAN ZUCK: Probably. Again, subject to –

UNIDENTIFIED FEMALE: I want to keep that opportunity to look at this and decide.

JONATHAN ZUCK: Right, agreed. So yes, have you heard anything from Drew?

UNIDENTIFIED MALE: [inaudible]

JONATHAN ZUCK: Okay. All right, great. It's 12:29, I have another minute until lunch time. All right, everyone. It's lunch time. Thank you. I know this is hard, but we are driving to conclusions on things, and that's

exciting. Lunch goes until 1:15, so let's try to actually be back in our seats, ready to talk at 1:15. All right? Thank you. And you can pause the recording.

JEAN-BAPTISTE DEROULEZ: Excuse me. So we're on Recommendation 34 before the break, and the next one is 35.

LAUREEN KAPIN:

This is Laureen channeling Jamie who had focused on this recommendation. This also has to do with registration restrictions, but the specific focus is costs and – whereas the prior recommendations focus on potential benefits, this recommendation focuses on costs. Compliance costs, costs for registries, registers and registrants. And this is specifically asking for data collection on these costs.

The newest version is now up on the screen, and this was in reaction to public comments about the fact that not all of the data is available and required by contract. So for asking ICANN to collect it, we need to acknowledge that [inaudible] voluntarily provided rather than compelled. And there's a specific reference here to the Subsequent Procedures group that our hope is that they find this helpful. But we don't want to presuppose that. But again, this is costs and benefits of implementing [inaudible]

acknowledgement that some of this may be voluntary cooperation.

JONATHAN ZUCK: From the standpoint of an instrument, is this a registry survey?

LAUREEN KAPIN: I think it's more than just registries. Basic level, this flows down from the registries to obligations at the registrants or requirements at the –

JONATHAN ZUCK: Sorry, I didn't mean – how do we make this recommendation more specific in terms of how it is we think this information would be collected? And is the wording of this such that it's really up to the Subsequent Procedures folks whether they want this data collected or not?

LAUREEN KAPIN: I think the wording that Jamie has suggested is giving the Subsequent Procedures group the call [inaudible] whether this would be helpful. But this is really focused on sort of a cost-benefit analysis approach, which is one of the cornerstones that we had really wanted to make sure is included when we're

looking at safeguards in general, not just this safeguard in particular.

JORDYN BUCHANAN: I'm skeptical of the utility of this recommendation, or of the cost-benefit of the recommendation itself, in that it seems hard to do, and it's not clear who's going to consume the data to what end. In my mind, it's quite obvious that the costs are pretty high to implement substantive restrictions. That's the reason why [inaudible] exceptions like .bank obviously does something. .nyc has access requirements for New York, but they're implemented in a pretty lightweight way. So you might almost imagine doing just a few case studies to take a look at this, as opposed to trying to be comprehensive about it. But I think you'll get registries telling you pretty quickly that this is really expensive. But there isn't a lot of data to draw upon, just because there are so few registries that actually do anything meaningful in this area.

And the focus on registrants is potentially interesting, because it is – I suspect it's pretty annoying for registrants as well if you're going to buy .doctor and you have to jump through a lot of hoops, but if you buy something that's slightly less regulated –

LAUREEN KAPIN: I don't think actually you do that.

JORDYN BUCHANAN: I was in a hypothetical environment. If there were two TLDs that are kind of similar, and one of them made you jump through a bunch of hoops and one of them didn't, I imagine almost everyone would just be like, "Oh, that seems annoying. I'll use this other," because at the end of the day, it's just a domain name, right? Somewhere between \$0-100, and they're pretty fungible, and so it's really hard to get people to put much effort into the registration process. I know a few TLD [inaudible] tried to distinguish themselves by actually having a registration process that did check credentials, and then they abandoned that model.

So I think we mostly know the answer to this already, there's not a lot of data around it, I agree. But I think it would be pretty expensive to get the data, and I'm not 100% sure who we expect to do anything different with it.

JONATHAN ZUCK: Just as a matter of context though, one of the things that we at least circled recommending was facilitating, finding ways to facilitate, and if not promote then at least not unfairly disadvantage niche type of domains that might be ones that are

more restricted and therefore have fewer registrants. And therefore it meant like addressing things like the \$25,000 minimum and things like that. Is this tied up in that conversation? If we just concede that, yes, it sucks, it costs more, but elsewhere we've said that there might be ways to mitigate those costs or something, because if you have fewer registrants, then maybe it shouldn't cost as much to get into the program in the first place. These synapses make sense as connections. That's what the association I have.

Waudu is next, and then you, Carlton.

WAUDO SIGANGA:

Thank you. This Recommendation 35, I think if the objective is to do cost-benefit analysis, I think it would run into some problem, because from what I can see, it's easier, or it's easy to collect or to get the cost data, but it would be very difficult to monetize the benefit, be able to do the comparison.

CARLTON SAMUELS:

Waudu, I am taking what Jonathan says, that we're looking at it – the context in which I would look at it is the impact on the registrant. And you look at the benefits to the registrant. It's fairly easy to get the costs, and we know most of these restrictions except for those that were voluntary, but some of

them were in response to early warnings for example, and therefore it is fairly easy on the registrar side to get the benefits and the costs. It would be a little more difficult to monetize the benefits to the registrant, which is where we are focused on, really.

And I can see that it would be a good operation for the Subsequent Procedures Working Group to at least have some way of evaluating whether restrictions to the benefit of registrants. I believe that is possible. I am not so sure the way it is focused here will deliver that. I'm just not so sure.

LAUREEN KAPIN:

Just to respond, Carlton, I think also in terms of benefits, it's not just benefits to – I think it's really benefits to the public, not the registrant. The registrant is the person who wants the domain name, so there might be some benefits to the registrant for example in .banks or .pharmacy or .charity, that if you have registration restrictions, you are going to be within a TLD that perhaps has less abuse.

In fact, if you speak to the folks in the verified top level domain initiative, they will tell you that many of their registration restrictions have the benefit of creating this very trusted, clean space. So yes, that's a benefit for the registrants, but it's also a benefit for the public who then can feel more confident using

those domains for the riskier purposes, i.e. providing financial information, health information. So I would just expand the focus also to the public in addition to the registries and the registrants.

CARLTON SAMUELS: Just to follow up, Laureen, I agree with that. That trustworthiness to the public is one major benefit. It's the cost-benefit analysis [when] you have on one side, you have a dollar cost, and I can put a dollar figure that might be – that's why I'm saying I'm not so sure in the context of the cost-benefit analysis that is recommended here. That is the way [you want to put]. I am actually agreeing with you that some of the data that's collected, and the benefits, even though they're femoral, are worthwhile to have. I'm not just sure in a cost-benefit analysis context we would have the data on the benefit side to balance out the cost side. That's what I'm saying.

JORDYN BUCHANAN: Yes, so Laureen raises a good point, which is the benefits to the public, which I think is going to be super hard to measure. I don't know if we even have a proposal here as to how we would try to get at that. I think if you look at the cost-benefit analysis on the registry or even registrant side, I suspect it's not that hard to measure the benefits in theory. The market is sort of measuring

this cost-benefit analysis already and finding that they don't tilt in favor of actually implementing registration restrictions.

Every one of the high – whatever –

LAUREEN KAPIN: Highly regulated.

JORDYN BUCHANAN: Highly regulated TLDs got a PIC saying they should do some sort of verification, and none of them are doing like what anyone in the GAC probably thought would be expected of that verification, which would be like if you're a doctor and you show up, you show your medical license and [there is some] attribution back to the person on the other end of the keyboard that that is in fact that person, and then you sort of know that everyone registered in a particular TLD actually has some specific credential.

There's a handful of TLDs, like looking at the verified TLD domains that seem to be trying to do this, and they look to me basically like – with the exception of the ones that are run by Dominion who would be interesting to look at the business model there, but they basically are trade bodies in that existing industry, probably losing money in order to make sure that their

particular industry gets the TLD that they want in order to represent itself.

So certainly like .bank has a few thousand registrations or something like that, and they do a really robust job of verification, but since we don't see non-industry market players – in a case like .bank and .pharmacy and .realtor, it is like the representatives of that industry coming to bear in order to provide that [inaudible]. What we don't see is anyone that's just like a domain name company saying, "Oh, this is worth a cost-benefit analysis."

JONATHAN ZUCK: [inaudible]

JORDYN BUCHANAN: Like Donuts or –

JONATHAN ZUCK: Google.

JORDYN BUCHANAN: Google. Yes, so we have a couple of TLDs, like Google –

JONATHAN ZUCK: You were going to do something with one of them.

JORDYN BUCHANAN:

And yes, the intent was – if we're ever going to launch them – we have like .phd for example, we're only going to give that to people with PhDs. Turns out, super hard to figure out if someone has a PhD or not. Like in the U.S., some universities are hooked up to a database, some of them aren't. In Europe, privacy rules basically make it impossible to figure out whether someone has a PhD or not. And so you're going to have to ask them to send in a certificate or something, but it's super manual and not really – it turns out to be – for a not very important credential that's not like .doctor where if someone tricks you, it's not like you die or something like that, probably. It's still really hard, and so that's one of the reasons why we still haven't launched the TLDs, because we just don't see – the cost-benefit analysis is clearly not there.

Because I think so far at least from the registrant perspective as we've surveyed, like I said, to a registrant if they can get two different domains and they look basically the same, and one of them requires them to do a bunch of extra work and one of them doesn't – and by the way, the one that requires you to do a bunch of extra work costs more – no one is going to do that. They're always going to buy the unregulated TLD.

JONATHAN ZUCK: Unless they see some marketing upside or something from a trusted space, or something like that.

JORDYN BUCHANAN: Correct. So no one has managed to pull that trick off yet, of convincing registrants that it is worth spending more money and more time to get a more trusted TLD.

LAUREEN KAPIN: I'm not convinced of that. That's very marketing – that's the marketing approach for the verified TLDs.

UNIDENTIFIED MALE: Microphone.

LAUREEN KAPIN: I'm just responding and saying that I'm not convinced that no one has been able to convince folks of that. That's the very business model that at least this small group of verified [inaudible] and perhaps others in this highly regulated space are trying to market, which is that, "Come to our safe space so you don't have to deal with all of these DNS issues because our screening procedures will essentially eliminate that risk for you."

JORDYN BUCHANAN: I agree that that is part of the pitch, but once again it's only really been done by an existing association within that market. No one is trying to come into the name space as domain name people and create that pitch at all.

There's one company, Dominion, that's a member here that isn't a traditional domain name company, but at least it is not like – it has .auto, .boats, .homes, .motorcycles and .yachts. Not 100% sure what it means to be verified. Do they make you send a picture of your boat or something like that? But in any case, they're going to do something verified, so it'd be interesting to understand that pitch better.

But I think it's just a very different proposition for like the banking association to say, "Okay, we're going to band together and make our members – have it possible for them to get a TLD and then say this is the value, here's verification." Because it's basically just an extension of that existing trade membership as opposed to trying to create a domain that has that quality.

JONATHAN ZUCK: So an example might be .charity, for which there's not a – is .charity a part of that?

LAUREEN KAPIN: It's not part of the consortium, but it is a highly regulated domain.

JONATHAN ZUCK: Oh, it's a highly regulated domain. I see. So it falls in that category too. Because that's a case where it might be a domain company that might [created] as opposed to a trade association, and might be trying to create that trust in the space, I guess.

CARLOS RAUL GUTIERREZ: Very similar to that is the case of ONGs, NGOs, which require a governmental proof that you're an NGO. And of course, that has killed the marketing purpose of the – it's a total disaster. But I wanted to mention related to .charity which is the whole concept of nonprofit from the perspective of taxation, it is a big issue. It should be highly regulated and all things related with Red Cross, charity or NGO are closely related to the issue of entities that collect money but don't pay taxes, or used to be tax deductible and things like that. It's very tricky.

LAUREEN KAPIN: And just the other point I wanted to make is we aren't just talking in Recommendation 35 about [verification]/validation, or even highly restricted registries. This is general as to the topic of registration restrictions. You can have a registration restriction

that says, “You're going to respond to complaints within 48 hours from folks who contact your abuse point of contact.” That could be an obligation, a registration restriction. It could run the gamut, and it doesn't necessarily have to be just verification, validation, or even a highly regulated domain.

JORDYN BUCHANAN:

I think Carlos raised the example that mostly proves my point, which is that to look at .org and .ngo versus .org. .org and .ngo have less than 4000 domains in them, versus .org which is more like four million or something like that. There doesn't seem to be any [inaudible] and that's exactly how – it's the same company, PIR is marketing .org and .ngo with exactly the sort of notion of being a trusted space. And at least in that marketplace, it doesn't [seem to be] catching on at all. Pardon?

CARLTON SAMUELS:

I would read it as a response to what really happened, how .org played out. I think the company is trying to have another go at the original intent of the .org, so they marketed .ngo which now they're going to be more vigilant to police so that you don't have the kinds of registrations that you had in .org.

When I first got interested in this, I was told by the Public Interest Registry people that you had to be a nongovernmental

organization to be registered .org. That doesn't happen, because I've registered .org for people. And so I think this is the second bite of the apple, .ngo, to implement that original idea. That's my understanding of why they're doing it.

JORDYN BUCHANAN:

Yes, that's exactly correct, Carlton. That's what they are trying to do, and it turns out registrants don't want to go through the hassle of – why go through the hassle of getting your .ngo when you can spend 30 seconds and get an .org?

So in any case, it's not clear that there are benefits to registrants, and I think registrants are mostly showing that by not registering where there is a choice like this. And as a result, there is a negative benefit to the registry of implementing the restrictions. So the cost-benefit analysis is like, "Cost, cost, cost, and then what's the benefit? Oh, you get less registrations. Why would I ever do that?" And so that's why we have an incredible monoculture in terms of the new gTLDs.

So to Jonathan's point, I think you're right that one of the things we wanted to look at is, how can we encourage less of a monoculture? Because we do think that there are public benefits both in terms of a better understanding by an end user of what to expect on the domain, as well as we've seen less DNS abuse when there are registration restrictions.

It's just not clear to me that trying to do a relatively heavyweight cost-benefit analysis is what we need here. I think registries could tell you already what the costs look like. So if the goal is to [figure out] what the incentive, how we create better incentives to allow them to do things like that, that makes sense as a standalone recommendation, but I'm just not sure what we get out of actually going through this exercise.

JONATHAN ZUCK:

We already have that standing recommendation, that we may need to rephrase based on input that we got back in terms of incentivizing a certain type, but instead doing something to make it less disadvantageous to do it, or something like that. I feel like that's how the meeting with NCSG for example turned out. By the time we got done talking about it, it became clear that it was about removing barriers for that business model more so than it was trying to encourage that business model. And so we want to revisit that recommendation.

But I guess the question about Recommendation number 35 is, do we already know the answer to this question good enough, and that we're already set to try and assess the costs to help the cost side of it because of the public interest benefit associated with it?

DAVID TAYLOR:

Thank you, Jonathan. I was going to say I do see a benefit where there are clear registration requirements, and I think the example of .ngo and .org, we're comparing very different things with a .org and a .ngo. I've got lots of .orgs. There's never anything to stop me getting a .org. It's an intention, like the .com, like the .org, this is the way it should be. When there's nobody and there's no restriction whatsoever, you get a situation where anybody can register so you get more abuse, and that I don't think has any dispute. And I don't think it's a measure of whether an NGO is successful because there are only 4000. That could be a very good measure of success. It could be 5000.

There are a lot less NGOs out there, and of those .orgs, I bet you there's probably not a lot more than 4000 .orgs which are NGOs. And if we start adding them up and we look at who owns .orgs are. And if there is a barrier to getting a registration, that may be something which discourages people. I think it discourages registrants who maybe don't really want it. I don't think it really discourages somebody who wants it. And if you go through the process, you can get it, and to me it's exactly the same as – I said to Carlton it's like getting a passport. It's a pain to get a passport, but it's very easy to get a Post-it and write "David Taylor" on it and run around saying, "I'm David Taylor." And there are a lot more Post-its in the world than there are

passports. So that's the way I'd look at this, and say I'm comparing very different things. And it comes down to trust, and which do you trust? The Post-it or the passport?

JORDYN BUCHANAN: That's the point.

JONATHAN ZUCK: I guess that's a good point that 5000 might be the real number. The question I think that – and I'm sorry I'm speaking for Jordyn, and I'm sure he could do better speaking for himself, but I think he's trying to say that as a business model, a straight up cost-benefit business model, that it's not bearing fruit. That it costs more than it benefits to do it. That the idea of marketing it based on being in this treasured space hasn't bore sufficient fruit, with the caveat that there are things built into the ICANN fee structure and things like that that make it difficult to engage, to survive on 5000 domains. And so we already have a recommendation to address that.

So I think both of those premises can be correct, and we could still decide that we don't need to do a cost-benefit analysis for restrictive domain restrictions. In other words, we can concede the fact that on their own, under the current schema that the cost-benefit is weighed heavily on cost, and let's address that.

Or what is the benefit of this study is the question that [inaudible]. I want to take what you just said and filter it through this recommendation to see if it addresses. Does that make sense? Just take a second and see if this recommendation is still necessary given what you've just said.

DAVID TAYLOR:

No, it does [not] look like that. No problem.

JORDYN BUCHANAN:

I was just going to say I would be totally happy – I don't know quite how we get there with a data-driven approach, but I think we have enough data points. But we could write like, “We think that restricted TLDs are better than not restricted TLDs.” I think essentially everyone in this room agrees with that statement, and we could also write that we agree that right now, it's really hard to run one because of the cost structure [inaudible] benefits for the registry operator don't seem well aligned in order to cause them to happen. I think that's roughly the observation that we get at with that other recommendation, which is, “How do we get more with these things?” So I just don't think we need to do the study. We could already say, “We think there are benefits and there are costs, and right now it's skewed in favor of the cost,” and we want to make it so the costs go down so that we can achieve more of the benefits.

UNIDENTIFIED MALE: [inaudible]

UNIDENTIFIED MALE: What –

CARLTON SAMUELS: I'm agreeing with that analysis from Jordyn. We can concede that there are costs to having restrictions. We can also concede that we see some benefits to it. I don't suppose that we have to do a cost-benefit analysis in this case, because we run into the risk of having a ledger that is unbalanced in terms of data, and therefore that's what I would want to agree to.

JORDYN BUCHANAN: It's also that the problem is the costs and the benefits hit different groups. The costs hit the registry and the benefits hit the public, and therefore the registry doesn't have any incentive to adopt – to pay the cost, because they don't get the benefit.

CARLOS RAUL GUTIERREZ: I really want to see emphasis in this problem of the scale. I think it's very important, because there should be a chance for smaller groups to have their own gTLD. Not everybody should be exposed to the necessity to pay a lot of money to ICANN,

whatever their solution is. We have .cat which is a foundation, and they're rich. They can afford to live with not many domain names, but I think these points should be really underlined that as part of consumer benefit and competition, there should be a possibility for small scale – let's call it – TLDs to survive or something like that.

JONATHAN ZUCK:

Thanks, Carlos. And I guess that's the point that I wanted to get back to, is that the nature of the other recommendation, I think once sanitized, is that it's about leaving room for this creativity, for these niche TLDs, and what the cause of the niche is, we aren't taking sides on. So in one case, it may be restrictions. The other case, it might just be a limited market size such as .kiwi or something like that, and so we remain agnostic about that. Because if I channel the NCSG, they would push back on the notion that restricted TLDs are "better." I think what we want to say is that there are potential benefits to them and we have lots of generic ones – which is a point that Jordyn raised when we met with the NCSG, in other words, nothing that we're recommending is going to undo the fact that there are now 1000 open gTLDs.

But what can we do to create an environment more conducive to experimentation, both with registration restrictions and more

niche markets? And I think we can do both of those with the recommendations that we already have in place, and probably justify doing that without doing this analysis. I think that's foundationally what Jordyn's point was, is that we can skip this recommendation and still make the other recommendation to make it easier to have niche TLDs. And we'll capture this problem as well as market size problems.

CARLTON SAMUELS: Yes. Jonathan, I am endorsing what you just said, and I feel that we had a recommendation where we talk about incentivizing or incentivizing. We can change that and include what you've just said in a recommendation. Yes?

DAVID TAYLOR: So Carlos was trying to get in earlier then, it [inaudible]. No, I just want to endorse that as well, and I think that's very important. And if we look back as well, I think it shows the way it was set in the new gTLDs of the 185,000 application fee and the chance to make money, even though we had the standard and the community difference, the community was as very high bar to get into. And that's still worth looking at. You've got brand community – which doesn't exist at the moment – and standard, but the encouragement of niche registries to me is kind of crucial that we do do that.

And if you look back before the new gTLDs, and we go back to the previous round, 2004 and you look in there, we've got to .coop, .museum, .aero. You're looking at something of those, 30-40% of the TLDs that came out then were not open. You'd only get the .biz and .info that were open which had loads more registrations, but the .museum, .coop, .aero are still around, still being used, with a lot less registrations, and have a valid purpose. So I think if we don't encourage that in the future, we're going to miss something quite substantial which we've already missed in this round as far as I'm concerned.

JORDYN BUCHANAN:

I think David is just trying to drum up future trademark business, because the implication of – and I think it's just worth noting, implication of approach that enables niche players is actually a lot more TLDs, because you've got a much wider set of TLDs each serving a smaller number of constituents, which is fine. It seem like we've learned that technically, the system can deal with that. I'm not sure that there's a huge cognitive difference between there being 1000 and a million. Once you get over the fact that it's not just .com at the end, you just have to pay attention to the whole string. But it does imply I think a pretty significant ongoing expansion of the space versus [inaudible].

Who knows, but it you can't do a niche approach if it's really scattershot. You presumably need any niche that is interested capable of representing their niche.

JONATHAN ZUCK: Thanks, Jordyn. I guess another point though, to speak to David's notion that we blew that somehow, is that some of these things could be retroactive. In other words, the minimum fee thing for example could mean the difference of .kiwi surviving or not. It could be there are already niche TLDs in there that we discovered are niches and we're actually working on helping them to survive going forward.

CARLOS RAUL GUTIERREZ: We have a lot of those in the ccTLDs already.

LAUREEN KAPIN: The other point I want to make here –

JONATHAN ZUCK: Who are you?

LAUREEN KAPIN: I'm Laureen. Because we're shifting now to a focus on encouraging – exploring incentives to encourage restrictions

because we have a sense of, “Okay, [inaudible]” but the other issue that’s being focused on here for this recommendation is that in terms of costs, there aren't just financial costs. There may be costs associated with decreased competition, and that actually was a subject of public comments, and a concern that had been expressed in connection with restricted gTLDs as well. And that’s another reason why this is phrased in terms of costs and benefits, because the costs – not just financial costs, the cost may be decreased competition in certain respects.

JONATHAN ZUCK: Like in the case of the trade association.

LAUREEN KAPIN: Yes. So if we shift to Recommendation 14 which is the [floor] incentives, that thread gets lost.

JONATHAN ZUCK: Right.

WAUDO SIGANGA: Laureen, I'm just wondering, could we still be able to retain this particular Recommendation 35 and just leave out the cost-benefit part? Then it'd be a recommendation to collect data

that, well, we can kind of have an inventory of the costs and the benefits.

LAUREEN KAPIN: Of what?

WAUDO SIGANGA: Some kind of inventory. We can be building up an inventory, because we would like to know with these kind of restrictions, what are the benefits for different players, what are the costs for different players? But not necessarily collecting the data for doing cost-benefit, because as we have seen, that creates complications when we cannot monetize some of the – particularly the benefits. But it could be useful if we had somewhere where we could make reference to the different costs and the different benefits to different players, perhaps even collect some cases studies, some success stories, and have them in one place. So what I'm suggesting is maybe we could retain the recommendation, but without the cost-benefit requirement.

LAUREEN KAPIN: So you had me until saying you wanted to eliminate the cost-benefit requirement, because that's the analytical question, costs and benefits. But I think the idea of creating an inventory

or a list, and also building on Jordyn's idea, maybe there are a few key players we can focus on in terms of case studies, that would limit this collection effort, so to speak, so it's more doable. I'm sure it would be also less expensive. That might be a worthwhile way to focus this so it's not so expensive.

JONATHAN ZUCK: David, then Jordyn.

DAVID TAYLOR: Thanks, Jonathan. Can we not get a recommendation which is just more simple than going into looking for more data? Because I'd agree with Jordyn, we're getting more data here, we're asking for more data which is establishing something we've kind of already concluded. So we just need to reword – or word – what our conclusion is.

To me, it seems to be along the lines of if a TLD is voluntary including certain restrictions, inevitably it's going to have less registrations, so it's at a commercial disadvantage, and thus should have some sort of reduction or incentive, etc., in place, and that would be our recommendation to encourage those sort of registries, including [inaudible] to niche registries to be able to flourish, as opposed to being swamped in the current world.

LAUREEN KAPIN: [We] have that in Recommendation 14 already.

UNIDENTIFIED MALE: [inaudible]

LAUREEN KAPIN: Really?

JONATHAN ZUCK: That is an important question, because part of what I was hoping to do personally was sidestep the notion of encouragement and make it more about removal of barriers and things like that, things that are inherent – as opposed to saying we are setting as an objective there should be more restricted TLDs, we’re accepting the fact that restrictions equals niche, and let’s remove barriers to niche TLDs so that a restricted TLD and .kiwi would be in the same category.

So the question then becomes, do we still feel strongly enough to deal with the public on this issue of saying that we want to actively promote restricted TLDs? Which is where we started out with this recommendation before.

LAUREEN KAPIN: That’s right.

JONATHAN ZUCK:

I'm hoping to move away from that, because then it opens up a lot of other questions if we're trying to promote a particular type of TLD as opposed to just getting out of the way and allowing for different types of TLDs and leaving it to the market to decide if there's value to them. That's where I was coming from personally, but I think partly just from having to deal with it in terms of defending our recommendations, that's where I'm coming from. But if people still feel strongly about encouraging restricted TLDs somehow or incentivizing them as we talked about, which is really about getting Google to give them search priority and stuff like that.

Remember, when we talked about incentives, very few of them are things that are in ICANN's power, and so then we're having a different kind of conversation.

DAVID TAYLOR:

I agree completely. I think it's a question of wording, because if you're removing hurdles for one, you're leaving them in place for the other. So it's inherent, but it's a different way of approaching it, and it's a more sanitized way of approaching it.

JONATHAN ZUCK: If I removed or greatly diminished the minimum entry point, the \$25,000, I haven't created a disincentive to an open TLD, for example, right?

DAVID TAYLOR: You've removed the hurdle for the niche TLD.

JONATHAN ZUCK: I removed the hurdle without – but I haven't created something where I favor one over the other.

DAVID TAYLOR: No, exactly.

JONATHAN ZUCK: Instead, I've got a system in place now that favors one over the other, and I'm trying to undo what amounts to a discriminatory system that exists today rather than creating a newly discriminatory system. That's the nuance I was trying to get to.

DAVID TAYLOR: I see that and I agree. I think if we looked at sort of an example – throwing this in the air – like the .hotel where there were many applications and many of them tried to become – or some of them tried to become – community because there was a

perceived benefit to being a community, and you tied into your applications, so you've got different entities applying, some community, some standard, and then you're trying to figure out, "Well, what is it –your community, how are you enforcing it?" Which becomes similar in a way to a niche. and if there's the option of if you take on these certain requirements where we guarantee it will be a hotel that you're reading, it won't be something else, then you get rid of the \$25,000 because they will get less registrations. And so we encourage that behavior, which again I think is good. So again, I'm with you.

JONATHAN ZUCK: Jordyn.

JORDYN BUCHANAN: Yes, so thoughts have cropped up during the recent conversations. First is to try to answer your question, Jonathan, of whether we're trying to encourage a particular model, I think there's a different way to put that, which is we want to encourage diversity of models, and right now we really only see one, and so therefore it's not just a restricted model per se, but it could be like you say the niche player, the restricted player – even community, we hardly see any of those applications. There's this really strong monoculture in terms of what the lay of the land looks like right now, and I think we can justify that in

the context of our competition-related mission, saying that we identified at the start that there are various types of competition. There's price competition – we don't really see price competition, we're not sure that's actually happening for various reasons, although certainly when we go off in the DNS abuse part of our study and say, "Oh, we think this is related to price," there's probably at least some signal that some registries are competing based on price. But regardless of whether or not price competition exists, we also acknowledge that there's this non-price notion of –

UNIDENTIFIED FEMALE: Hello. You have been conducting a meeting for a long period of time. If –

JORDYN BUCHANAN: Okay, so –

LAUREEN KAPIN: That is true.

JONATHAN ZUCK: Longer than usual, yes.

JORDYN BUCHANAN: That we're not seeing this non-price competition emerge, and that's another important element of competition that we want to make sure that we're encouraging that as well. So that's more the angle I would take as opposed to saying – but I do think it's not a stretch for us to say that we see value in restricted domains. It's like an affirmative statement from the Review Team. I actually think essentially everyone in the Review Team agrees with that. Partly because –

JONATHAN ZUCK: But I could also say that I see benefits to open TLDs.

JORDYN BUCHANAN: Sure. I agree with that too.

JONATHAN ZUCK: Right, so it's different than what you originally said, which is that they're better. What you said a few minutes ago, "So I think we can all agree that restricted TLDs are better," which is different than there are advantages to them.

JORDYN BUCHANAN: Sure.

JONATHAN ZUCK: And there are advantages to diversity, which is easy to get behind.

JORDYN BUCHANAN: Yes.

JONATHAN ZUCK: So the position you're taking is the one that I was hoping we were moving toward, but what I wanted to do was get a sense of the room about whether or not we were actually trying to more proactively encourage restricted domains, or incentivize them, as we've put in our recommendation before, because of consumer trust.

JORDYN BUCHANAN: Right, so I'm saying the position of the CCT ought to be that we want to encourage the adoption of a variety of business models. Right now, we mostly only see one, and that means trying to encourage other ones to also emerge.

CARLOS RAUL GUTIERREZ: I want to use the opportunity to greet somebody that [thought by] taking a one year leave of absence wouldn't see us anymore. Most welcome, [Karen].

I think it's very important – what is your feeling? Do you feel positive that we're stepping in that direction, what you just said? For me, this is very important not only because of the expansion. I think this is very important for me from the point of view of two issues that we have in the background before the expansion.

We have many ccTLDs that are so small that they don't even pay the minimum fee in ICANN, and we have ccTLDs that have used their position to do something totally different than being a restricted ccTLD, because they are not related to the country of origin. I mean starting with Colombia – I don't have to go that far. .co has 3 million registered names for a country that doesn't have this [inaudible].

It's also very important because one of the issues that we are discussing for the Red Cross [trends] in that direction, although there are probably 10% of Red Cross entities that are available to pay standard market fees, I guess 90% of the Red Cross organization across the world don't have the money to register three domain names in French and English and their local domain name and so on. So I think it's a very important statement that I would love to subscribe this possibility because of innovation, variety and smaller scale. And this is something I'm really interested to make sure that we are all on the same wavelength.

JONATHAN ZUCK:

Thanks, Carlos. And I guess speaking personally, to answer your question [while they're] encouraged, I am, except that there are probably incentives that could be conceived of for even generically talking about diversity that are specific to types of domains that we want to see more of. And I don't think we've thought of them all, but when we originally phrased the recommendation, it was about exploring incentives to encourage more restrictive TLDs, and we sort of backed off of that in our meeting with NCSG. I'm not trying to say that they should hold sway over everything we do, but that is the meeting in which it became clear that what we were really talking about – at least in that discussion – was about removing some of the artificial obstacles to this diversity.

To me, that's different than encouraging specific types of domains, and that's why I'm trying to get the temperature of the group about whether or not we're trying to get back to the specifics, which is to say – as Jordyn did – we all agree there are advantages to restricted TLDs. What can we do to have more of them? And is that any different than what we can do to make it more possible for .kiwi to survive? Are they the same things? Is it just nicheness that we're addressing, or is there something else about restricted TLDs that we would want to encourage, or something specific we'd want to do to encourage that? That's

my question to the group. It's about the specificity of those incentives. Or is it just removing barriers to diversity?

Dave and Carlos, then – Kaili I see is first. Sorry. Kaili, then Dave and Carlos.

KAILI KAN:

Thank you, Jonathan. Two points. One is that if we do the cost-benefit study or comparison, I would like to deemphasize on competition, because for the essence of competition, are the goods replaceable with each other? Like Pepsi Cola replacing Coca Cola and so forth. However, it's already proven that even .biz cannot easily replace .com, so the competition side does not really work that well. I'll stop on that point.

JONATHAN ZUCK:

[inaudible] respond to that quickly, just so that –

KAILI KAN:

Okay.

JONATHAN ZUCK:

I think that the competition question is not competition between domains in this particular case, but between businesses. In other words, does the domain become a mechanism to itself as memberships in organizations are?

So for example the realtors have this data called the Multiple Listing Service, the MLS, and they hold on to that – they used to more so than now, but they held on to that data and it became something that if you weren't a part of the National Realtors Association, you didn't have access to the list of all the homes that were for sale. And the American Medical Association certifies doctors so alternative medicine has more difficulty.

So the question is not about the kind of competition that we've been talking about generally between domains or substitutability, but do restricted domains act as a way to exclude businesses that don't meet the criteria? In other words, is it anticompetitive in a business environment to have restricted domains is the question that I think was coming up earlier. I just wanted to clarify, and then you could have a chance to amend.

KAILI KAN:

Okay. My second point is about restricted versus unrestricted. I believe, as Jordyn pointed out, the benefits and costs are related to different parties. So even if we can measure the benefits, then still, different parties looking at the same data would come up with entirely different conclusions. So how to make the judgment? Even if we can collect the data, now to say some of the data would be hard to collect.

Therefore, thinking back, can we just let invisible hand work this out? So therefore, I quite agree with Jonathan, what you talked about. Remove any obstacles for either way, and then let the market decide which side will prevail.

And also, like what you mentioned about excluding somebody from this domain or TLD or whatever, see how it works. Because excluding somebody out of a TLD, that itself is quite a severe cost for that registry or registrar. So I think they will think it through better than us. And after all, market decides. That's my feeling thank you.

DAVID TAYLOR:

Yes. Thanks, Jonathan. To your point of how we describe this – and I think looking at that, if we say a niche restricted TLD is better, it certainly needs to be qualified. I don't think we can say it's better. That's not our judgment. But it is better from a consumer trust and safeguard point of view. There is more trust, and it's a safer TLD. And I think everyone would agree that's the benefit of it. Whether that's what the world wants, we don't know. Perhaps we shouldn't go that far. But what the world of ICANN may want in the community is more registrations, and so open ones are clearly preferred, and that's where people make the money. So there is that balance which I think we do have to

comment on, and we do need to discuss which way we go about doing it.

But I think if we do say, “They're better, we can qualify it as why we're saying it's better,” but we don't need to go there necessarily. But again, I don't want to shy away from it because one group thinks we're going to get a lot of [slap] from it. If we think it [and actually think] we should probably say it in a recommendation, but make sure we couch it in the right term so we've got our defense or whatever with that. Or go down the other route, but I think it's drafting [inaudible] everybody got to get the wording right. But we've got the feeling, I think everyone's in agreement with the feeling.

JONATHAN ZUCK: Thanks, David.

CARLOS RAUL GUTIERREZ: I fully agree with David. I see two elements. We have the problem that restriction is not a very positive word, but I see restriction in terms of some rules from public interest commitments to public policy, however you want to call it, but I think the two elements that we have to add to make it defensible were just mentioned by David. One is to allow for smaller scale, nicheness or whatever, and the second element that has to be in the same

sentence and so on is of course that we expect out of that a higher degree of trustworthiness or quality, or I don't know.

So if we put the two together, I can live with the negative work. If we can change the negative work into a positive work, even better, in terms of public policy, public interest commitments, orderly way to put restrictions, whatever. But we have to include in the sentence the two reasons why we think it's better. Smaller scale, nicheness one side, and the second element is we expect from that very trustworthy groups.

JONATHAN ZUCK:

Thanks. I guess what I'm trying to get to is whether or not Recommendation 14 sufficiently covers those cases. In other words, we're looking at whether or not the introduction of new gTLDs is increasing consumer trust. We asked that question, and whatever the system is in place is not increasing the number of restricted TLDs, then we can say that there's something systemic that's preventing at least that way of improving consumer trust. And it's also possible that removing the financial barriers isn't sufficient to incentivize that.

So that's my question, is whether or not this revised recommendation around removing barriers, does that sufficiently address our desire to see more – or do we just state it that way, that this should be revisited, that we want this to be –

as Jordyn says – one of the types of diversity that we want to see going forward? And that if it doesn't result in this, if the things that we're recommending – which is a reduction of fees for example – doesn't result in this, then the community should explore other ways to incent the creation of restricted TLDs? Or something like that.

So we're talking about rewriting 14 to be about diversity, right? And not about encouraging anything in particular, because that was always something that always begged the question even among – if you asked Jeff Neuman, he would be like, "How? What's an example of an incentive?" And then we would all turn to Jordyn and say, "Search engine preference" or something like that, because what is it within ICANN's remit other than a reduction of fees that would constitute an incentive? And that's a reduction in fees. And we can do that without incenting something in particular, is my point, because we can also do it because it would help .kiwi to survive, right?

So if we make that the recommendation about the removal of barriers to diversity, is that the same as incentivizing diversity? And do we want to put that caveat in, that that's what we're trying to see more of, and that if it doesn't result in that, then the next CCT Review Team should explore more aggressive incentives or something like that? Does that wording make sense? Does that scratch the itch that I'm hearing in the room?

JORDYN BUCHANAN: I think mostly yes. I think some of these questions are reasonable in the implementation phase in any case. I think if we want to see more diversity and figure out – I don't think we're prepared to talk about what the right set of incentives are. I think that's mostly an implementation question, and I think those incentives could either be of the form of getting rid of structural barriers, or in theory, ICANN has a bunch of extra money from the last round. They could make a marketing pool or something like that that isn't available for open TLDs, it's only available for restricted TLDs.

There are various things that could be done that go beyond just fee [structure]. If they're going to have rounds – there's going to be at least one more round, right? They could say, “If you're a restricted model, you get preference in a contention set” or something like that. There are things they can do, but I don't think they need to get to answering all those questions at this phase. I think we can layout the formulation of trying to encourage more diversity in business models and let the implementation phase figure out exactly what that means.

LAUREEN KAPIN: I'm just trying to figure out where this leaves us. What I'm hearing is really directed at Recommendation 14 that we want to be speaking in terms of removing barriers to –

JONATHAN ZUCK: And encouraging diversity.

LAUREEN KAPIN: Right, to encourage diversity and variable business models to flourish as opposed to a monolithic system. But I would still point out that if you eliminate Recommendation 5, what's lost is a focus on what might be drawbacks to registration restrictions. And although we have specific data on the benefits of registration restrictions, we have more I'll say – what's the word – anecdotal. We know they cost – we know it cost so much. But we know that because we've spoken to people. It's intuitive. We know because we know. But we don't know because there's been any specific data that we've looked at regarding this. And the same thing in terms of possible negative impacts on competition.

So this Recommendation 35 was an effort to be balanced and not just focus on promoting diverse business models and promoting business models that benefit the public trust because they create a safer online experience. This was really trying to

make sure that we're not just being one-sided. So I'm just pointing out that if you eliminate 35, you do not get that other side of the equation. And I want to make sure if we do that, we're deliberate about that.

WAUDO SIGANGA:

Sorry, Lauren. I think that's what I had suggested. Let's keep 35, let's collect the data. Let's have the data for both the costs and the benefits. But not necessarily for cost benefit analysis. But let's have that data. So that when we're making those conclusions, they are data-driven rather than anecdotal as you say.

CARLOS RAUL GUTIERREZ:

I have again a semantic problem. I don't see black or white totally open or restricted. As I said, we have like a continuum of voluntary public interest commitments, imposed public interest commitments to restricted areas like banking and insurance. So it's kind of lots of colors of gray. I don't know if 50 but –

JORDYN BUCHANAN:

So I guess I'm the guy at this meeting trying to kill off as many recommendations as possible with my scythe. I think you're right, Lauren, that we'll lose a little bit if we get rid of this recommendation. I think that little bit that we'll lose, like very

low probability of affecting anything downstream. And more importantly I think if we adopt the model in Recommendation 14, that what we want to see is diversity of business models, then even if it's true that open models are good too and then there are some cost to these other models, that's where the invisible hand of the market gets to kick in. And once we have a bunch of them, we can sort of see which ones work well, which ones don't. We don't have to hypothesize about it anymore. We can get to see them playing out in real life.

I think this is probably a bunch of work that I don't think is particularly likely to affect the – to change either our future recommendations. And if 14 actually was gloriously successful and we had a bunch of different business models in the future, I feel like then we could see those play out and get that same data anyways in the real world. And so I would recommend just getting rid of this in the interest of slimming down the reports and focusing our efforts in the places where we think they're going to have the most value.

JONATHAN ZUCK:

As a practical matter, it's not as though the pendulum is going to swing to where we have only closed TLDs. Right? So that whatever disadvantage there is going to be help – would be

addressed by the 700 or 800 open TLDs that are still available to people.

Does that make sense to everyone? Does anyone disagree with that? Well, you were talking about trying to collect this data. And I guess Jordyn is arguing that even if we take the two extremes of how that data would turn out, it wouldn't change our recommendations or the recommendations of a future team. Does that make sense? That it feels interesting but it's not dispositive.

WAUDO SIGANGA:

Just try maybe to get a middle ground. Since you're insisting that she really feels 35 is so important. Then to me, I could see that it can still be kept there as long as it's just for collecting the data that she needs to make the conclusions that we are now talking about rather than getting the data to do the cost benefit analysis.

Some of the conclusions I think which are also some of the things that have been said, which actually are relating to as Laureen has said, anecdotal data. I think it's best that we just keep to the data driven more. That can work if 35 is there and is collecting the data. If she's insisting that she missed 35, then I would have suggested that it stays there.

LAUREEN KAPIN: No, and I appreciate that Waudu. All I'm really trying to make sure is that people are conscious of what is lost if you get rid of Recommendation 35. I'm not insisting that we keep it. I'm just saying if you eliminate it, you are eliminating data on the other side of the equation by making a deliberate choice to focus on the benefits of promoting various business models through registration restrictions without looking at the concomitant costs. I'm not saying that I'm averse to getting rid of Recommendation 35. I'm just trying to highlight that it's a choice and this is what we lose.

JONATHAN ZUCK: And the original source of this was Jamie who might have been concerned about that one-sidedness of the way we were describing it. So I think that Jordyn's point though is on being dispositive because if we pretend we had the study and looked at what the results from it were, would it really change the desire to have more diversified set of business models? I think the answer to that is no.

JORDYN BUCHANAN: So the thing is Jamie's not here so we can just [carry out] his idea.

JONATHAN ZUCK: I was hoping [someone would say that].

JORDYN BUCHANAN: So I mean maybe we handle this like the previous recommendation where we wanted to at least give Drew the chance to object but come to a decision here to remove this pending review by Jamie.

LAUREEN KAPIN: 36 is similar in terms of the topic. This really focuses on the risk of restricting competition. So I just raised this with the question, do we want to approach 36 the same way? Carlos, I don't know if you – yeah actually Carlos made the edit here. Maybe you want to talk about the edit you made to 36 because actually I could use a little more – yeah, tell us what it means too.

CARLOS RAUL GUTIERREZ: Half the problem that we have no policy basis for restrictions. That everything happened after the publication of the Applicants Guidebook. So there should be like a track record or a scale or – I don't know. A way to define who sets restrictions and what is allowed and what is not allowed or I don't need to stick to that. Truly when I was looking at that, I was still on the

assumption we were going to merge – we were considering merging 16 with the group of 34, 35, 36, and 37. So having said that –

CARLTON SAMUELS: We want to qualify. You're asking for a qualification of the restrictions. And a single authority to make the restrictions part of the agreement? Is that it?

LAUREEN KAPIN: This is getting a little far field, just to jump in because what I hear Carlos pointing out is a procedural issue about the timing which I don't know if that's the topic of other recommendations but I don't think it's the topic of this one even though you've made that comment. So I don't disagree with it at all.

My only point is whether this is the place to this particular recommendation, not the review team. Whether this is the place to get at your timing concern which is was the way it happened and the timing the proper way we want to do things going forward. All are very valid questions. I'm questioning whether you want to – whether this is the place to put that issue.

CARLOS RAUL GUTIERREZ: I would gladly kill it this place as long as we keep track that for a subsequent round, we should be more careful with the public interest commitment. Exactly.

JONATHAN ZUCK: What's interesting is this is meant to be consolidation with 35, we just got rid of the two.

JORDYN BUCHANAN: Sorry, I wasn't in the discussion around this so I'm struggling to catch up. But Carlos, you in particular concerned not about the notion of restrictions but the fact that in some cases, there was an obligation to provide restrictions put on registry operators after they initially lodged their applications. Is that right? So that's again the question of process around GAC advice and so on.

LAUREEN KAPIN: Right. That's what I thought.

CARLTON SAMUELS: What I was hearing Carlos say is that he mentioned that there were different entry points for the restrictions – different entry points – and what I was asking, whether or not he was saying that we should only have a single entry point for restrictions and

this should be a priori restrictions. So you know them up front and then they're agreed by everybody. They don't come in after the fact. That's what I thought Carlos was saying. Right, Carlos?

CARLOS RAUL GUTIERREZ: Yes.

JORDYN BUCHANAN: And that's for mandatory restrictions that a registry operator is obliged to impose, right? Presumably we all – I think we all agree. Any registry operator could voluntarily put whatever restrictions they want on their TLDs.

CARLTON SAMUELS: And the whole issue is we need an external standard to classify these restrictions because –

JORDYN BUCHANAN: Because there's voluntary and then there's owned.

CARLTON SAMUELS: And then we think it's a good thing to have restrictions of other types so we need some kind of measurement or scale of restrictions or something.

CARLOS RAUL GUTIERREZ: Maybe you need a new word for restrictions. I think it was earlier said that restrictions sounds negative meaning that a better word to describe what you're actually doing.

CARLTON SAMUELS: The regional term is public interest commitments. I don't know if we want to stick to that.

JORDYN BUCHANAN: I do think that it's worth whatever that process discussion happens, we should probably have that. But I mean the fact of the matter is, the implementation of the mandatory restrictions has been – no one does anything useful. Right? If you go to any of the highly regulated TLDs, there's not a robust process with the exception of the ones that we're voluntarily doing anyways like .bank. Because the Board ordered the requirements in a way that was predictably easy for the registries to implement without. The Board was I think trying to be Solomonic and sort of deal with –

But in any case, when we talk about actual restricted TLDs, like I actually don't think it's very useful to look at the mandatory ones because in practice, there's just some language and the registration agreement that says you're supposed to be this kind

of person or this kind of entity. There's a representation made but there's no actual enforcement of the representation.

LAUREEN KAPIN: Just to bring us back then to the topic here. If we focus on the guts of 36 separate and apart from the [inaudible] issue which I think is the subject of other recommendations, this also is asking about whether certain restrictions have created undue preferences. This is very, very similar to 35 and if we're going to be consistent, I think we get rid of both of them. So that's what I really wanted. That's what I really wanted.

JORDYN BUCHANAN: Yes.

LAUREEN KAPIN: That's what I wanted to put on the table. The Buchanan diet. But in all seriousness, that would be the consistent approach here. So does anyone have any objection to that?

JONATHAN ZUCK: All right. So we got 35 and 36. What's next?

DAVID TAYLOR: So we just agreed that we're getting rid of 35 and 36. I was just wondering whether in the rationale of 35 and 36, it got something quite important which we might want to bring through into 14.

LAUREEN KAPIN: I think we do need to keep some of the reasoning here in the texts because there are important points that I think we need to preserve and observations. So when we go back, even if these recommendations are eliminated, I think we need to keep these observations about risks and costs and benefits in the text so that future – so that the community can know that we were aware of these concerns even if it didn't rise to the level of a recommendation.

JORDYN BUCHANAN: I think those could go either in the body of the text in the section or as David suggests, some of them could be transported into recommendation 14 as well, depends on the exact language that we're talking about.

DAVID TAYLOR: I was going to but then Jonathan was talking. I defer to the leader. Could you pretend you're Michael when you say that please.

I was just going to say whether we take that a step further which we may or may not do. But whether we have a statement or recommendation where we say the ccTLD – I was writing this down because when you were talking about Recommendation 14, how can we capture this and what can we do in it. So I was just playing about with wording.

And I was thinking the ccTLD recommends the encouragement of diversity and TLDs that encourage consumer trust in a safe online experience. Is that you actually want to state in a recommendation? I think we do. But other than what everybody else does, but we don't. And that to me it doesn't jump out as a – it's a big thing. And it seems to be lost in – we're in the details of the woods. I'm talking about encouragement in this succession actually doesn't jump out at me when I read it. I've continued on this.

JONATHAN ZUCK: Line by line, you think the details of 14 would satisfy that line?

DAVID TAYLOR: Potentially you could start Recommendation 14 with that. And then this other wording, I was just putting together. But where search niched TLDs have registration restrictions in place and such restrictions put those TLDs at a commercial disadvantage.

ICANN should seek to exist such niched TLDs in flourishing. Well, I'm not saying either way. I'm not saying restrictions or anything.

So I was trying to sort of bring 14 and 35 in to making it open which is your initial question about what we could do. How do we capture that? I was just writing this down. So I'm just sharing it because I think that's something we need to maybe consider if we're getting rid of 35 and 36. But then we also avoid doing the study. So I think it's a win-win all around.

JORDYN BUCHANAN: I endorse the idea of David Taylor to holding the pen on Recommendation 14.

JONATHAN ZUCK: Because that is what you were doing, was volunteering. I think that's what we heard. We heard I would like to – no, but I too endorse you taking the pen in so far as taking a start at it. I just encourage you not to lose that Kiwi in your description. Think of it that way. So make it part of the analysis that it's a way for 14 to be a catchall is to eliminate barriers to – and so one of the reasons that something's a niche is not because it's safer but because the market size is small, right? Thank you.

JEAN-BAPTISTE DEROULEZ: So next one is Recommendation [40], I believe.

DAVID TAYLOR:

I think the good thing is that whilst we might be encouraging INTA to do this, they're doing it and they're paying for it so we're not actually costing ICANN any staff time or anything, which actually opens the question which we had when we did this originally with the INTA impacts the years to whether or not ICANN would pay part of the costs. Remember we had this whole discussion that we'd got money we could potentially pay some of the costs. So that could come up again. But as it is, it seems INTA is willing and wanting to do this. I think it's a good thing with no cost to ICANN.

We recommend somebody should do it and we're glad that they're doing it.

JORDYN BUCHANAN:

Maybe the way we could re-jigger this – so I actually think we could because we know that INTA is doing it already. We could just get rid of this recommendation. Alternatively, if we wanted to acknowledge it somehow, we could do something to say – and I want to just move this into Recommendation 1 and say that ICANN – part of its data collection – should be to look at studies such as this INTA survey and make sure that gets

incorporated into ICANN's data analysis and they don't just rely on in-house metrics.

JONATHAN ZUCK:

It may already say something like that. I'll go back and look because I think we're talking about incorporating span house and everything else that are external. I think the thing that David is trying to say is what happens in the future world when INTA doesn't feel that they've got the budget to do this. There's this concept of falling away. That it was a lucky coincidence that they were willing to survey this while we had the CCT Review going on. But are we eliminating this recommendation altogether? Does it account for the possibility of them not doing it in the future? Because we've now lost the specificity of this requirement.

I don't know how to address that. Because I like the idea of getting rid of it too because they're doing it. But the idea that we want to have ongoing data collection about this happened somewhere in the community is a... And I have a feeling that us recommending it to the Board would be a disincentive for INTA paying for it in the future potentially. If the Board agreed to pay for it in the future, then why would INTA do it, right? So I don't know the right answer.

DAVID TAYLOR:

I think it's actually a difficult one in the sense that I think INTA looking for a recommendation on this because their impact study was in response to the CCT Review team's need for data. So they kind of reacted certainly to that. So I think it's important that that's the acknowledgement of it. And at the same time we're saying it needs to be more user-friendly and there's a lot of things wrong with it and there's only 33, etc. So that's all being acknowledged and it kind of we have to chew it up and spit it out. But in essence, this data was missing and if INTA can do it going forward, that's great. If not, then the Board needs to look at doing it themselves or something.

JORDYN BUCHANAN:

So another way we can approach this is to consolidate it with the existing recommendation for the registrant survey. And say ICANN should get information on registrants. They should survey user's blah, blah, blah. They should also make sure that they have information about impact on trademark holders as a class of registrants. INTA's doing that right now but in the future, if they weren't able to get it through INTA, ICANN should do something in order to get that information themselves.

WAUDO SIGANGA:

There was a time we mentioned something like that and we didn't go ahead with it because we wanted that

recommendation through the registrants to have the open-ended population when the survey is being done.

JORDYN BUCHANAN:

That's right, Waudu. I'm saying right now we got a pretty good state, which is that we have a registrant survey, just general purpose. It's not oversampling. It gives us a pretty good sense of what the typical registrant experience looks like. I do think the data that we have indicates that the trademark holders have a unique perspective on the situation in that they spend quite a bit of money, more money than a typical registrant. And yet they find that they get essentially no value out of it. And I think it's important that we don't lose that perspective going forward.

So if INTA were to stop doing its study, you would want to somehow replace that perspective. I'm not sure oversampling's necessarily the right way. You also might do a second survey or maybe do a study where they actually target specific populations.

They set up cohorts in advance or something like that. They're smart people. They could figure it out. But maybe just say that as we talk about the registrant survey, sort of call out the fact that it's important to get the perspective of trademark holders which on purpose the existing survey doesn't do.

Right now, we get that information from INTA and we appreciate that they're doing that. But if in the future they stop doing that, then ICANN should seek some other way to make sure that the trademark holder representative was included in the registrant survey.

WAUDO SIGANGA: I just want to know, how will that be done when the registrant survey is being done? To make sure that trademark holders are included in the sampling.

JORDYN BUCHANAN: So if I was running the survey, I would just have two cohorts. I would run the survey with two seed populations. One of them would be just my universal registrants. And then I would go to someone like INTA to get another cohort that I knew to be trademark holders and I would do a separate survey just to those people. Could do it by oversampling or something. There are other ways to do it. We don't need to figure that out right now. Right now, we got a great mechanism.

JONATHAN ZUCK: Is it the same sort of questions though?

JORDYN BUCHANAN: Not necessarily either. I think what we're calling out is just we want to make sure that we consistently get the perspective of trademark holders on the cost benefits as well.

JONATHAN ZUCK: Sorry. I love that idea in principle. I guess my question is that the description of registrant survey such that it captures the kinds of things that are captured in this even in the simplified form.

JORDYN BUCHANAN: I'd be glad to try to write some text for the registrant survey thing that tries to capture what we're doing here. And include just the INTA survey.

JONATHAN ZUCK: Carlton then David.

CARLTON SAMUELS: Sorry. Clarification. Not Jonathan, Jordyn. You were saying you were going to... I didn't hear the last part of what you said.

JORDYN BUCHANAN: To draft some text to show how it might work to merge the recommendation and the registrant survey with the INTA survey.

CARLTON SAMUELS: Okay. Yes. Thanks.

JORDYN BUCHANAN: So essentially I'm saying trademark holders are a special class of registrants. We want to make sure any registrant survey we do captures their perspective.

DAVID TAYLOR: So if we can capture some of that, I'm happy to discuss it with you Jordyn as well on the early recommendation to the registrants if we can have a special category I'm always wary of ever calling trademark holders special especially in this climate. But what I think the difficult we've got here is we have – from my mind – we have to keep this separate, this bit referring to INTA because it's confidential data and it's INTA members.

The only people who can go to those INTA members is INTA. Those members are not going to answer registrant survey which comes in a post by Nielsen because it's hard enough to get them to answer the confidential information going to INTA with all of the INTA apparel around it saying this is confidential. It will not be distributed. And a lot of the registrants are just like or the trademark holder will say this is data either we haven't got or if we have got it, we're not giving it to you because this could get out in the public domain. So that issue is one where I think the

trust is there for INTA to get the data and hopefully more than 33 in a simplified manner.

So I think it has to stay separate. But I think there's a way of building it in with your Recommendation 14 – not 14, whichever are the one saying provided this is happening with INTA, great. If it doesn't happen, then we need to find out another way.

JORDYN BUCHANAN: Yeah, yeah, that's exactly what I'm trying to say, just to call out. There's existing mechanism into doing these surveys that does a great job. If for some reason it's not possible to do that in the future, then ICANN would have to come up with a new mechanism. Because I agree. It's much better to have INTA do it. Let ICANN try to figure out how to survey trademark holders because INTA already has that relationship.

JONATHAN ZUCK: So tentatively, we're eliminating Recommendation 40 and expanding whatever recommendation was associated with –

DAVID TAYLOR: I was saying we have to keep Recommendation 40 but I thought we could refer to it in another recommendation talking about it. So if INTA stopped providing it and Recommendation 40 dies,

then we have this other one taking over or something. But I was saying that to keep Recommendation 40 in because there's no cost. The reason that we're getting this out was because it was set in a community –

JONATHAN ZUCK: We're not in the position to recommend that INTA do something though. I mean that's outside our purview, that's the problem. So the only thing we're in the position to do is recommend something that should happen if INTA stops doing it. That's all we can recommend.

DAVID TAYLOR: So if that's the case, then why have the Recommendation 40 for a year? Could have taken out a year ago.

JORDYN BUCHANAN: For sure because we didn't know that INTA was actually going to do the survey.

DAVID TAYLOR: That's what I'm saying but in the draft report, this recommendation we had it in the draft report. So that's kind of new to be – suddenly saying we can't recommend INTA to do it.

We've always recommended – that's always been the ethos of this recommendation since we did the draft report.

JORDYN BUCHANAN:

So can you wait and see my new language on the consolidated thing? I don't think the notion of recommending INTA to do it is going to go away in my consolidated recommendation. I'm just trying to consolidate the two recommendations because I'm a killer of recommendations. But I don't think the spirit of this is going to disappear in that process. There's still going to be a callout to say INTA should keep doing this thing because it's really helpful. They're a class of registrant, yeah.

So David, can you – let's just say Jordyn's going to draft, make an attempt to consolidate 40 and the other one and David can you [edit] it later if you don't like it.

WAUDO SIGANGA:

I'm still skeptical whether you can actually be able to combine 40 and 9. I'll really wait for your note about it. But it should have to be something special to convince me. And also don't forget also that INTA members is different from trademark holders. They are not necessarily the same thing.

LAUREEN KAPIN: Just mechanically even though we know this, I just want to state it for the record. It was still a very discreet section of the report and I want to make sure that we realize the section stays and if it is consolidated, it's going to be a cross reference.

DAVID TAYLOR: And to address the point you just raised, whether we can recommend INTA to do something. That's a valid point. It might be that we need to recommend that ICANN has this sort of data available to it and note that this is carried out and has been carried out by the anti-impact study. So we recommend that such studies continue so this data is available, so we can reword it.

Did you take a note of that, Jordyn?

JONATHAN ZUCK: Fingers crossed. He's proven himself to be fairly competent thus far. We'll give him this chance. All right. Next.

JEAN-BAPTISTE DEROULEZ: Thank you, Jonathan. Two things. When would we expect the text from Jordyn on that?

JONATHAN ZUCK: He's got a long flight starting tonight actually. So –

JORDYN BUCHANAN: Probably by end of day Monday.

JEAN-BAPTISTE DEROULEZ: Okay. Thanks. We still have 5 more minutes before the break and the next one is Recommendation 44.

It's not really study. It's more about if we get success measure ICANN should serve entities in the global sphere to determine sources of difficulties that continue to be faced by potential applicants. I don't know whether that apply to – okay.

JONATHAN ZUCK: [inaudible]. A reminder to [inaudible] team to focus on.

I think I have some clarification to do on these based on feedback received from the Subsequent Procedures Working Group at ICANN.org which I will do but that these recommendations are likely to remain.

JEAN-BAPTISTE DEROULEZ: Thanks, Jonathan. So in terms of study, that's it for the recommendations in the report.

JONATHAN ZUCK: All right. Good job, everybody. We did some good aggressive trimming here per Carlos and Jordyn’s recommendation. So thank you, Carlos and Jordyn, for providing the impetus for us to do some of that trimming and consolidation. And your reward is you get to go to your break three minutes early. Thank you. Break is 18 minutes long now.

One of the thing we want to try to do today is to get through a run through of what the engagement session is going to look like and what those slides look like. And so the normal sort of speakers for that have provided their provided but it made sense to put it up in front of everyone to look for things that might have been missed or we want to make sure part of the conversation.

So I don’t know I guess we can just walk through these and then people are going to raise questions as they come up. So let’s go ahead and jump. Do you want me to scroll through?

JEAN-BAPTISTE DEROULEZ: I can do it.

JONATHAN ZUCK: Okay. Let’s skip past these table of contents slides.

JEAN-BAPTISTE DEROULEZ: So just as a reminder, the session's scheduled on this Sunday from 12:15 to 1:15.

JONATHAN ZUCK: Sunday 12:15 to 1:15 to get as many of you around as possible just in case a specific question that I'm not expecting it's something that you're specializing in.

JEAN-BAPTISTE DEROULEZ: So basically what will we tackle during the engagement session would be a quick review of the CCT mandate and timeline and then 15 minutes per topic from the new section so parking, domains DNS abuse and rights protection mechanism. And then having a short look at what are the next steps for the Review Team.

JONATHAN ZUCK: So I'll speak up right away and say that I don't think parking needs a full 15 minutes compared to say DNS abuse and so –

JEAN-BAPTISTE DEROULEZ: Sounds good.

JONATHAN ZUCK:

I mean I don't know that we need to change anything here but – and then there's our current draft timeline is there as well. I think everyone's familiar with. Okay. So if you want to just get down to parking, none of this should be new to anyone. This is sort of a summary of what's in the parking paper that the majority of domains of both legacy and TLD are not the primary identifiers to [inaudible] websites. And this goes in the different sort of examples.

Our domains are – I might change this to “for the research would be interesting” or something like that. But we did some comparison. There were 68% versus 56%. There's hypothesis on both sides of whether or not parked domains are pro-competitive. And we were not able to ascertain that dispositively. We did find that their higher parking rates in new gTLDs and legacy gTLDs and that malwares are more likely to occur in zones with higher parking.

So that were some of our findings. And so our recommendation as we discussed in some detail today is to regularly collect data on parking so that future analysis by our future Review Team would be able to incorporate this data into their understanding of [compromise] and DNS abuse.

And that's basically that slide – I have a half a slide. Yeah, that's basically what this slide is. So that's the recommendation

surrounding it. So this already had the benefit of a great deal. All right, any other questions about this?

All right, why don't we skip ahead to DNS abuse and maybe, Laureen, you can... I know it's really Drew's but –

LAUREEN KAPIN:

These definitions in terms of what is used really depend upon where you are in the world. It also depends on where your particular subject matter focuses. The Review Team as I've said focused on technical DNS abuse, for example, malware hosting and phishing as proxies for determining the effectiveness of the new gTLD safeguards. And indeed that was the real focus of the DNS abuse study, as well as spam because that is often a vector for these types of abuses particularly phishing.

So the next slide. Thanks.

This slide actually recounts some of the work we did in terms of identifying the gTLD safeguards related to abuse and this slide talks about really the nine safeguards that are already in place to mitigate risks. So I'm not going to go over these but these were the nine technical safeguards that are already a part of the New gTLD Program to mitigate the risks the Review Team concluded in general that these are – the thought was that

they're fairly effective but the DNS abuse study really looked at it in depth. So let's move on to that next slide.

This slide really is about the way the DNS abuse study was approached. There was [selection] of zone files and WHOIS records. And then data collected from several different blacklists – and its 11 distinct blacklists – and I think that really added to the robustness of the study. And this is going on to the way the study I'll say for want of a better phrase, sliced and diced the data. So abuse counts, abuse rates, relation to privacy and proxy services, differences in rates of abuse between different areas of the world. A distinction between maliciously registered versus compromised domains, which actually turned out to be a concept that the DNS abuse study talked about at length.

So people understand there's a difference between a bad actor who [inaudible] to register a domain specifically for the purposes of abuse and a bad actor that chooses to attack a legitimate domain for the purpose of abuse. And those are done in different ways. They have different impacts and the study distinguished between the two.

For us it also matters because different safeguards might actually prevent these different vectors of abuse. For example, we've been talking about registration restrictions, registration restrictions might actually stop a domain from being maliciously

registered. That same safeguard wouldn't necessarily stop a domain from being compromised. Next slide.

These are the findings, high-level findings. Consistent with a lot of our other findings in terms of the impact of the DNS, we did not find these to be the DNS abuse study that there was an increase in the total amount of abuse. We did see a decrease in the amount of spam associated with legacy gTLDs. However, that seemed to have an inverse relationship to an increase in malicious registrations in new gTLDs. And for spam in particular, we saw a big increase in spam for new gTLDs. I think it's sort of like squeezing the balloon. We have the new gTLDs, the spam squeezed to the legacy gTLDs and went into the new gTLDs. So no overall increase but we see trends that the abuse is moving towards new gTLDs particularly in terms of spam.

In terms of other significant findings, there was a strong correlation with less abuse and registration restrictions. We've talked about that, and also prices. Again, two areas that aren't surprising but what we suspected was somewhat confirmed by the DNS abuse study. And when there was an analysis of those particular registry operators that had high levels of abuse and we saw a small number of registries that had much more abuse – others that did correlate to low priced domain name registrations. And then there's also a recognition here that

domain names registered for malicious purposes often contain trademark terms. So they're trying to spoof a legitimate website.

Since David made this additional slides suggestion, I'll turn to him but it looks like you have a comment, Jordyn. And I'm channeling here.

JORDYN BUCHANAN: No, no, totally understood. Somehow we need to give the feedback to Drew I guess. But in the spirit of slides that are more user-friendly, I think there's actually some good graphical data like a lot of the charts I think really help visualize some of the –

LAUREEN KAPIN: Parts of the study?

JORDYN BUCHANAN: In the study, yeah. So I would strongly recommend a little less dense text and a little bit more – like this doesn't need to just be on one slide. And if we spread it out and showed some of the charts, I think it would help people really see the –

LAUREEN KAPIN: Can we collect some feedback for Drew to give him in an e-mail? Great. So what I'm hearing the suggestion is more visuals, less

text to more clearly communicate the takeaways, yes? Yeah. Now I'm turning it over to you, David.

DAVID TAYLOR:

Thanks, Lauren. I sort of wish I put a graphic in this slide. That would have set it beautifully, wouldn't it? Tell me next time, Jordyn, you're going to say that. So I can get in on it. Yes, this is just a suggested additional slide. I thought more just setting the scene with the recommendations that are coming up.

The first statement is really whether we all agree with that CCT Review Team is concerned by the levels of DNS abuse uncovered specifically in certain new gTLDs and registrars, but I won't name them here. And such abuse needs to be eradicated from the DNS to ensure consumer trust. I'm making a statement which I just think we should be making, but if we don't think we don't want to make it then let's not make it or discuss it. Go Jon.

JORDYN BUCHANAN:

Yes, I don't like this sentence. And we took out the most similar sentence in the [board]. I think there's something we could say here but well, for example, I don't think that the statement that abuse needs to be eradicated from the DNS to ensure consumer trust is supported by data. It's perhaps intuitively that makes sense. But first of all, like eradicated is a strong word and we see

strong levels of consumer trust in .com despite the fact that it also has quite high levels of abuse as well. So it's not clear that there's a very strong correlation between levels of abuse and levels of consumer trust. So that second half of the sentence, I don't think is well-substantiated.

And then in general, I guess my take is when I look at the data, I say "Huh, we lost these new gTLDs. There wasn't a net overall increase in abuse." So I'm not actually particularly concerned I think. I am concerned that the safeguards didn't seem to do anything well we spent a bunch of time and energy implementing them so that seems dumb.

So I think we can make a statement like the CCTRT's concerned that the safeguards in the New gTLD Programs appear to have not produced DNS abuse or something like that. I think that would be a fair statement to make. But I don't think it's fair to say that we're concerned by the levels of DNS abuse uncovered because in most cases, the new gTLDs still have lower levels of abuse than – spam's the only exception to that. And there was no net increase in spam. It's just sort of shifting around.

LAUREEN KAPIN:

Two things. One, I would recommend against saying we're concerned that the safeguards don't seem to do much of anything because I think I wonder if that's a problem in the way

we're measuring it rather than any other impact. So to me, the answer there – my intuition anyway – is that we need to figure out a better way to measure this rather than say, "I don't think the safeguards did anything."

But separate and aside from that, for the slide what I think is more supported in the DNS abuse study is to say we're concerned about high levels of abuse centered in a small number of registrars and registries and even geographic areas. That's right in the DNS study. And I think that's something that is worth focusing on as you did David in your recommendations where you wanted to focus on systemic abuse that is living in these very small regions of the DNS. Our bad neighborhoods, so to speak.

So that I think would be a more focused comment to put on this slide. I don't have a problem saying we're concerned by levels of DNS abuse but I do think if we're going to tie clearly to the study, it's the fact that there are certain areas of DNS abuse that have been allowed to perpetuate in a limited number of players and that has gone on and on unremedied. That's what we're concerned about, in my humble opinion.

DAVID TAYLOR:

I agree with your humble opinion perfectly. Did anybody capture your first – when you said it the first time, it was perfect. The

second time, it sounded a bit like David Taylor discussing something. So the first bit, I did like.

Everyone was typing so I assumed everyone was typing it down except me because I was listening for once.

LAUREEN KAPIN:

They were all typing their e-mails. So maybe I'll try and capture that again and you can type it. We are concerned about the levels of DNS abuse – concentrated, thank you – concentrated in a relatively small number of registries and registrars, and geographic regions. This DNS abuse appears to have gone on unremedied for an extended amount of time.

Say it again? In some cases, that's fair.

JORDYN BUCHANAN:

I think the geographic one is actually a little bit of a – it's not an outlier, it's a false correlation. It's actually just a correlation to the registries and registrars. You look at whatever it's called – Gibraltar, there's only one registrar in Gibraltar and they happen to have tons of abuse. So it makes it look like Gibraltar is this hotbed of abuse. Or maybe there's even more than one in Gibraltar but you wouldn't want to – I think it's really just related to the registries and the registrars more than the jurisdictions.

DAVID TAYLOR:

I agree with that to an extent but it's the same thing as when you see things going offshore, money laundering's happening. In certain offshore jurisdictions, you see things happening. There's jurisdictions. Why is that happening in Gibraltar? And you actually get to the whole essence of the problem of why things are going on in a particular geographic region. So I don't know whether – to me, that actually describes it. It actually underlines certain geographic regions are appearing attractive. Why do those regions appear attractive?

JORDYN BUCHANAN:

I guess my problem is like, as far as I know, there is one registrar that happens to be in Gibraltar that is responsible for lots and lots of abuse. And if they happen to be in the Netherlands, Netherlands would be responsible for lots of abuse. It is unclear whether there's any particular nefarious reason why they're in Gibraltar. So what I would want to see is there have to be other registrars in Gibraltar also with high levels of abuse before I came to the conclusion that Gibraltar had –

DAVID TAYLOR:

I would recommend a study to be carried out on that. So let's put that recommendation in and we will have our answer. It did

have that. It had the regions and that was the whole point. I called it out in the last face-to-face because I said we got 100 times more abuse coming out of one jurisdiction than the USA and USA is already quite high up. And I actually you do see the levels of abuse are different in different countries. So there is a correlation now. I think it's an interesting correlation why, to find out why.

CARLOS RAUL GUTIERREZ: In the Latin American study that ICANN paid, they had to take out Panama, Grand Cayman, and Belize out of the sample because they would skew the numbers.

JORDYN BUCHANAN: I don't think it's a big deal. I think if someone went off and were to take away from our study that they should take a close look at which geographic regions are responsible for as opposed to spending time looking at registries and registrars that were responsible for abuse, there's a good chance they would waste their time. No, it's not something I'm going to fall my sword on. I don't think we actually have taken a close enough look at this to actually – plus I think it's only one in each place.

Like if we looked and said there's three registrars in Gibraltar, and they're all bad, then I would say, "Aha, you have a great

point.” For some reason, all the bad registrars are concentrating in Gibraltar. But I think in all the places where we see high rates of abuse, I think there are like two countries like that, that in particular is high, I think there’s one actor responsible for both of them.

DAVID TAYLOR:

Yeah. I thought it was descriptive enough because in your wording, there was a small number of registries, registrars and geographic regions. So we’re saying a small number. I’m happy with that but I’m happy to go with whatever the majority thinks or the consensus between David and Jordyn decides.

The next point was actually one for Jordyn that I put ICANN Compliance is critical in dealing with DNS abuse as opposed to talking about the DADRP being critical for domain name abuse. That was a freebie. I’m going to take that back and change that now by the way. And then the CCT Review Teams, we’ve carefully considered the means available today in the relative success or not of those means and sought to provide additional means – it’s got too many means in there. And then these ones are really introducing each recommendation so it’s like a highlight of one’s encouraging incentivizing, one’s preventing DNS abuse, one’s collecting data ongoing and they’re the ones using other means additional mechanisms. So I was just

resetting up and be able to talk for Drew to talk about the recommendations. It sort of made it a bit better.

LAUREEN KAPIN:

So these slides actually look to be just the recommendations, which I hope are up-to-date since we had a lot of last-minute discussions on which should be included. Can you scroll up a little bit to the next one? Is there anything after C? That's my question. Okay. Is that still living in B? Yes, okay. So we are up-to-date. Right, okay.

JONATHAN ZUCK:

5 is not. Drew has now sent an official letter to me requesting it to be in the appendix basically included. So the question is about C, about further study. Overtaken by events, sorry. DC term. So why don't I remember this from our – well because this is our new recommendations. It's not in your old set of slides so this needs to fall into the same conversation that we just had. It's recommendation C.

Can you scroll up for just a second to make sure it's the first one that's phrased that way? Yeah. So C is the only one that's structured as a study. So let's put this through the Carlos rubric.

JORDYN BUCHANAN: I always understood C to – what? I always assumed this to be as opposed to a study just like a periodic collection of publication of –

JONATHAN ZUCK: You should say that though then. Because this implies analysis. Study the relationship between implies an analytic assignment, that’s all.

JORDYN BUCHANAN: I think the intent originally had mostly been as a signal for Compliance to be able to say, “Hey, it’s really high in this gTLD, we should look at what’s going on there.”

LAUREEN KAPIN: And this is an easy wording fix because I think you could [inaudible] on DNS abuse. That’s an easy adjustment.

DAVID TAYLOR: This is one of the ones I put in with Drew. And so I agree with that completely. And the key elements of that is the commissioning of the ongoing data collection. So that’s my stress. And then being regularly published. So again we’re seeing the data published.

JONATHAN ZUCK: Can you take a swath at a change in this text in time for the engagement session? It's already there. So yeah, just flipping that around. Other questions with the DNS abuse as in omissions, additions, anyone? Okay. Rights protection. That's back to you, David.

DAVID TAYLOR: Thanks, Jonathan. So slide 1 is just setting really the background of what we were doing, the metrics. So we can skip over that unless you want me to go through it. Should everyone be concentrating, they're looking at the same slide. Yeah, read it. Yeah, it's hard. And then I think that's the next slide, isn't it? Mine's different on this.

Then we move on to the INTA survey. I'll be giving this whole individual rights now, I'm sort of watching the screen, see if it's moving or if it's not. And the key takeaway is which we've got there, the main reason for 90% of the brand owners electing to register was defensive, not choice. Domain names used by brand owners on the new gTLD are commonly parked. New gTLD programs increase the overall costs. So these are just the takeaways we got straight from the report. There's no difference there.

Next slide is the ICANN consumer trust competition metrics, which we've got online. This is the new data. We got two tables

here. I took out the second table so I think it was – actually it was number of complaints to ICANN about the UDRP and the URS, which basically is fairly low and I don't really think it gives as much data on what's going about so I don't think it was worth talking and using up the 15 minutes on that.

But this slide here's the good one, the key one where I've split down the difference between the UDRP and the URS, from 2013 through to 2016. And on the right you've got the total cases combined. So we can see that they've been increasing. And if we look at 2013 to 2016, you got a 36% increase on that year in 2016 as compared to 2013. And the URS has not been popular, generally got roughly around 5% of the total cases and it's pretty flat, which is well one of the big issues which a lot of people are discussing about the usefulness of the URS.

Then we went to the next slide, we've got the Trademark Clearing House review, which is done by Analysis Group.

Go, Jordyn.

JORDYN BUCHANAN:

David, could we add the... I know you computed them already, the sort of percentage-based numbers to that slide. I think it's helpful. Yeah, exactly. And one thing I'm curious about, I don't remember the answer to this. And I know this is already – we've

already locked up the interim report data, but do we have 2012 data, too? Like is 2013 a low outlier?

DAVID TAYLOR: Yeah, I covered that in the report. It's not a low outlier. 2012 was a peak year across many things and it was almost – it's when ICANN started the metrics but there was to me there was no real reason. We're looking at 2012 because in 2013 was the year prior to any UDRPs, URSes were there so there's up in the report.

JORDYN BUCHANAN: Sure. I guess my point is it's just though that 2012 was higher than 2013. So I think it is possible that 2013 is a low outlier. But that's not very obvious. I don't know. We don't need the results of this right now but I do think it would be useful to include the 2012 data just to help [inaudible] the 2013 might not be the true baseline either.

DAVID TAYLOR: It isn't but then and I did look at this but then you got to look at it, "Okay, I need more data from ICANN and go back to 2011 and 2010 and do an average or something," because you've got a 2012, which is a peak year. It doesn't actually change the rise even compared to 2012, there's still a rise. So it doesn't change that, it's changing the gradient. But then and I did several

calculations and going right, I'll look at 2012 start point, 2013 start point, 2012 plus 2013 divided by 2 start points and then I was going back to a 2010, 2011, 2012 averaging start point and I thought I'll never get through point done by the end of it.

JORDYN BUCHANAN:

That's fair I guess. My point is mostly like 2014, if you look at the data, 2014 to 2016 is actually pretty – 2014, 2015, 2016 is going up quite slowly. 2013 to 2014 there's a really big jump actually in the relative terms. But if you didn't know anything about the New gTLD Program other than the fact that it launched in 2014, you might be, "Oh my God, look, it's responsible for this giant increase." Except there was actually a relatively small number of registrations in 2014 from new gTLDs was quite small. So I suspect that the new gTLDs are driving more activity in the spirit that we see increases from each year. But the 2013 to 2014 jump seems sort of misleadingly high and I think having the 2012 data in there would make that more obvious.

DAVID TAYLOR:

That's when the first dispute came through. So you got some whether these disputes didn't exist. Did it before then? So they came through in 2014. So then you got to drill down into the relative split –

JORDYN BUCHANAN: I accept that it is true that starting in 2014, you started to see some level of disputes coming from the new gTLDs, but I don't think it's the case that the introduction of the New gTLD Program drove like a 20% increase in total disputes or whatever it looks like from this data. Maybe in the following year when there's actually many more new gTLDs being allocated in 2015 and 2016, you see much more modest increases.

DAVID TAYLOR: Which is the difficulty because that's the data we don't have with ICANN but we do have from WIPO. Which is when I go down to later about the differences between the number of TLDs raising up. So either we need that data from ICANN or we just use the data I've got from WIPO.

JORDYN BUCHANAN: So that's one option.

DAVID TAYLOR: So we just look at the data from WIPO in 2014 compared to 2013. We've got the data of the case load coming out of new gTLDs increasing. So we can split down and do that.

JORDYN BUCHANAN: I think that would be really helpful too. I just think centering on – I think using 2013 as a baseline may be a misleading baseline because it’s an exceptionally low –

DAVID TAYLOR: As I said, we can do this and I’ve got the stats if you want to sit down and work through, we can do. It gets a very complicated report to start comparing the years and there’s no difference. It still goes up as I say the gradient isn’t so high. But it’s still going up, so at one point I’ve actually got the wording so I can actually put a lot of that wording in but it became three pages of drilling down on statistics and at the end of conclusion was it’s gone up. And instead of like 36% you end up with 29%. I’m like, “Okay, we can go for 29 or do I average it and end up with 31% instead of 36%?” Into my mind, “Oh actually we need to go back and look at the average over a few years because why start it with 2012?”

JORDYN BUCHANAN: Which would be fair too, I think. I think some people will look at this and say, “Oh the new gTLDs, that’s the year there was a 20% increase in cases. Therefore, the New gTLD Program caused the 20% increase in cases.”

DAVID TAYLOR: I take your point on there. That's partially why I'm talking about the year 2016 and comparing that. So I'm looking at few years on. I'm looking at 2006, I'm looking at the year when there was nothing to compare to last [inaudible], let me know what's going on. And I think actually what's interesting is 2017 seems to be dipping a little bit, but again, it's at the beginning. When you've got any sort of curve going on, you're at the beginning, so where's your – what do you compare it to? And that's partially why I haven't put in the 2013-2014 the percentage increase there. And I haven't put those percentages without drilling down as to what the split is between new gTLDs and legacy TLDs, which I can't figure out [inaudible] with these stats.

JORDYN BUCHANAN: Okay. For now why don't we add the data that we already have, which is the percentage, and then we can sort of figure out how to present the overall set as we get to the final report.

DAVID TAYLOR: Then the Trademark Clearing House slide, if you can move that up to the top. One seems to have stopped working on my screen.

So, just summarizing the Clearing House review and the findings, highlighting there that the data provided meaningful observations, not quantifiable information as per their report,

and that the data limitations prevented definitive conclusions being taken. But again those things are fairly standard, and that's in the report. And then we've got a conclusion slide at the bottom where conclusion of increasing number of disputes since the introduction of new gTLDs rising year on year, with the example of 2016 compared to 2013 there. Trademark owners also using a variety of other means. More trademark infringement present in new gTLDs than in legacy TLDs, which is what we get from the WIPO, which again is in the report.

And the INTA impact study needs to be repeated to contain more data and be more user-friendly, and questioning the URS given its low usage. In the Clearing House, they're mentioning cost-benefit analysis, which is what they seem to be saying that's needed on the Clearing House that oversees those reviews being considered. Go.

JORDYN BUCHANAN: Yeah. I was just going to say yes, in the interest of time, the TMCH slide largely just regurgitates the findings of a study that's already been presented to the community. I might drop that slide or just the least, anything novel that we're adding to that interpretation, just because you guys are only going to have an hour and a half for all this content, and sort of spending even five minutes talking about some other study that wasn't very –

JONATHAN ZUCK: That was from the Trademark Clearing House you mean.

JORDYN BUCHANAN: Yeah, on the TMCH slide.

JONATHAN ZUCK: Is there a whole slide?

JORDYN BUCHANAN: Yeah. The previous slide to this one.

DAVID TAYLOR: Thanks Jordan. I'm happy to drop that slide, and the two points I'd probably just put in there is the two additions I've added it to, about the data limitations preventing definitive conclusions. So again, we'll harp on about our data just leads into one of the recommendations, so I'm happy to actually drop all of that and leave two lines so I can [redo] that.

Yeah, so then you've got the recommendations, which we've got the 40, 41, and 42, which we've already been through.

JEAN-BAPTISTE DEROULEZ: Jonathan, we have two other things on the agenda we still need to discuss. The first one is data mining updates needed to the final report, and the second one is the roadmap to the final report, identifying [calls] until the end of this year. And so, talking about the work plan and yeah, that's [about it].

Shall we start with data mining updates needed? Okay. Maybe to cover this discussion, I can just mention what has been identified so far on our side. So, first the Executive Summary will need to be updated to reflect other new findings and recommendations, and also add reference to minority statements in this section. For the recommendations, so streamlining, as I mentioned earlier this morning, will need to be done on the format.

Yes, Jordyn?

JORDYN BUCHANAN: We can delay this conversation if it's going to totally derail what you want to talk about right now, Jean-Baptiste, but Jonathan I think has brought this up in the past. But I think the community is waiting for us to say something opinionated about the state of the program. Do we expect that to make it into the Executive Summary?

LAUREEN KAPIN: Are you talking about the bad things that have given the public –

JORDYN BUCHANAN: Yeah, exactly.

LAUREEN KAPIN: Yeah. And the [inaudible] was such a big event, too.

JORDYN BUCHANAN: Right. No, I think many people will view our report as a little bit of a failure if we don't have some opinion about our state of play at this point.

JONATHAN ZUCK: I mean, we've been making statements [inaudible] competitive or something more like what we've been saying verbally.

JORDYN BUCHANAN: I mean, it could be either, but I guess "is it your intent" is your... So it's bringing up what the changes to the Executive Summary are going to be. My inclination is that there should be some statement about our overall conclusion in there. And we could have some debate about what that overall conclusion is, but I think I would – just for the purpose of keeping on track for – I totally hijacked Jean-Baptiste's intent here. We could agree that

there is going to be some conclusion and then separately have a debate at another time about what that conclusion is.

JONATHAN ZUCK: Sure.

LAUREEN KAPIN: Yeah, I think we should.

JONATHAN ZUCK: Part and parcel of that recommendation a belief that our current Executive Summary does not include one.

JORDYN BUCHANAN: I believe that's the case, yes.

JONATHAN ZUCK: Okay. That's going to be a hotly debated thing, then.

JORDYN BUCHANAN: Yes.

JONATHAN ZUCK: I mean it is interesting public comments from ALAC, for example, who said, "We agree and therefore we think there shouldn't be

any more of those [inaudible] procedures.” So, they certainly took something of a conclusion from a –

JEAN-BAPTISTE DEROULEZ: So, going back on the different updates needed. So, streamlining the formats of the recommendation across the report, taking into account the format that was shared earlier this morning, and also input all the different updates which would be approved on face-to-face and plenary calls. The recommendations numbering will need to be adapted to.

LAUREEN KAPIN: So I know we’ve been very diligent about eliminating and consolidating. I would just say we need to give some thought about how we’re going to handle the numbering, because my inclination would be to not try and drastically change numbers so that we end up with a 1 through 30, as opposed to a 1 through 50. I’d almost be more comfortable retaining numbers with some notes about where things are consolidated, just so someone who is comparing the former report to the new report has an easy way to track it. I don’t want to throw the baby out with the bathwater by having a reader try and figure out how a new Recommendation 37 relates to old Recommendation 5 and 10. I don’t want to have people have to go through that mapping, but I’m curious about others’ views.

JORDYN BUCHANAN: Sure, so some amount of that is basically inevitable because, for example, the DNS abuse study have new recommendations, and so that's going to force a renumbering of the recommendations no matter what. You can't assume that there's stability in the numbering system. So, given that, and even if that weren't the case – I'm saying that because it's going to mess up the numbering anyway. But, even if that weren't the case, I would say we should still mess up the numbering to make the recommendations sort of stand out clearly. And then if we wanted somewhere, I think we were planning on putting some sort of document together that described how we reacted to the public comments. And in that we could sort of explain where we consolidated recommendations and so on. Or we could even put in – I don't know. Somewhere we could put a note basically saying "These recommendations were consolidated into this one," so that people could figure it out. I just feel like the final document, looking at it from the perspective of someone approaching the final document for the first time, I think it will be a lot cleaner, be able to go through and find the recommendations as we end up with them.

JONATHAN ZUCK: I completely endorse what Jordyn just said. I think that we should – our final document is in fact our product, and that that should be as clean and as readable as possible, and that all of our work product along the way, these slides we just went through, all those things become alive as part of the wiki and things like that. The people can go back if they want to do a comparison, but I think if we commit to doing the spreadsheet about how we incorporated comments, that we should just make it as clean and digestible a report as possible and not be burdened by the Frankenstein from which it rose.

LAUREEN KAPIN: Okay, you’ve convinced me. Then I’ll just make a plea for making sure that at some place in the report there’s some sort of tracking, so if someone actually wants to see how things morphed or were eliminated, they have a place that’s easy to find to do that, as opposed to having to piece it together by themselves.

JEAN-BAPTISTE DEROULEZ: Yeah, if I can just add to that. Would you then see that part of the Review Team recommendation summary, and maybe you have the final Review Team recommendation summary and below that or as an appendix, the summary of recommendations from both the draft report and the new sections. And add a column

there saying that Recommendation 5, for example, was consolidated with Recommendation 16 or something like that. Just to add more clarity and avoid that you have these in the final report directing to the other text.

JORDYN BUCHANAN: I suggested it so I think it's a great idea. I continue to think that including it – like we had previously agreed that we were doing to put together some sort of standalone document that describes what we did with reaction to the public, I would put it there and just say, “There were many public comments saying we had too many recommendations, so we consolidated them as follows” or something like that.

JONATHAN ZUCK: Such a document might even mention philosophical underpinnings, like we decided we shouldn't kick the can down the road [and] commissioned studies that didn't have specific outcomes, because that was public comment as well.

JORDYN BUCHANAN: Yeah, I mean it could be roughly like a “What changed since you were last here?”

JEAN-BAPTISTE DEROULEZ: Okay, any questions on that? Okay. So the other thing about recommendations is to mirror how the consensus was reached. Under recommendations summary, should there be an extra column there to report any – like whether there was consensus from the Review Team? Was it aware a minority statements? So, whether there should be an extra column under the Review Team recommendation summary to report that? So, meaning not only the recommendation and to whom this is addressed, and the priority, but also add something about the level of consensus.

JONATHAN ZUCK: So, it's something we already have built into our recommendations, structure, whether or not there's consensus. So, you're just talking about the summary document.

JEAN-BAPTISTE DEROULEZ: Yes. Correct.

JONATHAN ZUCK: Yeah, sure. Why not?

JEAN-BAPTISTE DEROULEZ: Thanks. So, on the data driven analysis and this is what you have discussed today, so there will be some updates needed there.

On the references to surveys, consumer and user and registrants, so it was flagged out that there were inconsistencies in the way they were addressing the reports. So this will need to be updated, too. There are several tables that were updated, and some as well for David's paper will need to be changed to two graphs. So this will need to be updated.

All Appendix B, sort of review process, will add a paragraph on INTA Subteam and also incorporate an Appendix on the two public comments with a link to the two public comments [inaudible] as we previously agreed.

We'll incorporate a consensus process on the new sections and the final report, and therefore the Appendix F, the possible questions for future consumer survey. We believe that the parking section will need to be updated.

Another thing that I wanted to mention, it's regarding a suggestion that Jordyn made on a plenary call about how our costs should be reflected in the report and I just wanted to know whether this should be discussed or whether it should not be added into the other reports. Do you remember that discussion, Jordyn?

JORDYN BUCHANAN: Yeah, I do remember that discussion. I'm not sure we got consensus on the approach.

JEAN-BAPTISTE DEROULEZ: No, because I recall from that that this discussion would be part of after the new sections. Yes.

JORDYN BUCHANAN: So, you're saying it's time now.

JEAN-BAPTISTE DEROULEZ: Yes, I think so.

JORDYN BUCHANAN: Yeah, I think maybe some of the NCUC's comments maybe don't quite call for a cost-benefit analysis, but certainly hinted the fact that it's not clear that this would be worth doing.

JONATHAN ZUCK: We could do low, medium, high on the cost, but I wouldn't know if we can come up with a similar rubric for benefit.

JORDYN BUCHANAN: Yeah, that's right. I don't actually expect us to be able to do a government-style cost benefit. This is clearly worth doing, but I

think we could do two things. On the benefit side, hopefully we can articulate what we expect the benefits to be, and if we can't do that then we probably shouldn't include the recommendations. And, on the cost side, I think we can get this on high, medium, low sort of view. And that could at least help inform the Board as they're considering whether to adopt it, they could say, "Aha, [inaudible]. Here's at least the CCT's version of costs. The staff says it's going to cost..." We could also in the cost section include whatever explosive statement of the staff had said about the cost.

JONATHAN ZUCK: I don't know. What do people think?

WAUDO SIGANGA: I recall us discussing this issue of getting the cost benefit for each recommendation sometime back in all of the meetings, one of the face-to-face meetings, and I thought we actually agreed that it was such a technical exercise that us as a group would not be able to undertake it.

JORDYN BUCHANAN: I agree that point was raised. I don't think we agreed on that. I don't agree. I think the type of cost-benefit analysis outlined there, like in those high, medium, and low categories, we could

easily – I agree if the goal was to say, “This is going to cost N millions of dollars or N hundred thousand dollars or take this long to implement,” I totally agree we couldn’t do that, but I do think we could do some high-level swag as to some sort of high, medium, low.

LAUREEN KAPIN:

I’m more in Waudu’s camp here. I think it would be somewhat arbitrary of us to be assigning categories. At least when I think of the data collection or the subject of the safeguard recommendations, it would be hard to me to know what the exact resources would be to actually collect this data. And I’m loathe to just guess and perhaps guess wrong. The benefits to me – don’t you think that’s very closely related to our measures of success, and that when we’re talking about rationale, we’ve also incorporated a reflection of what we think the benefits are?

JORDYN BUCHANAN:

Maybe? In a lot of cases, we haven’t written down the measures of success, so it could be –

LAUREEN KAPIN:

Well, I mean, yeah. That’s right.

JORDYN BUCHANAN: I'd like to see some examples of them before concluding that they're the same. I mean, on the costs of implementation, at least so far as it affects ICANN Organization, we actually had experts spend some time and write them down. And I guess so, at a minimum, if we're going to think about this at all, we should include whatever we know, ICANN Organization has told us it is going to cost. Like, we would just be willfully ignoring some level of known costs.

LAUREEN KAPIN: [inaudible] saying ICANN organization estimates the price.

JORDYN BUCHANAN: Right. But I do think as a cost-benefit exercise for us to think through, it would at least be useful to think about. The reason why I came up with this high, medium, low, not to say – it's trying not to be arbitrary and then if you look at the standard it's like, is it imposing costs on other people other than ICANN Organization. Could this be contracted out or is ICANN going to have to do it? So, roughly just try to think about who is it going to affect and is it going to have some impact on other people in the ICANN ecosystem other than the ICANN Organization, because they've already done a good job of quantifying what they expect the costs.

So, another way we could approach is it just to, on both costs and benefits, just enumerate what we expect them to be. Right? So, on cost we could say “ICANN said it would cost this much in addition, whatever, registries would have to X and registrars would have to do Y, and the benefits are A, B, and C, which we are measuring through the success metrics, blah, blah, blah.” Maybe we can merge benefits and success metrics. I don’t know.

I think the concern, as I understood it, from the registries, and I do think this is echoed by the NCUC as well. It’s really easy to just be like “Yeah, go do some stuff,” without any clear notion of whether it’s worthwhile to do it or not, while meaning do we get more out of the exercise than it costs us to implement? And I’m not 100% sure some of our recommendations cross that threshold.

LAUREEN KAPIN:

Other thoughts on Jordyn’s suggestion? David.

DAVID TAYLOR:

Just to comment because we’ve got a deathly silence. I like the idea of going about it in this sort of way, if we’ve got the data, if we know the costs or the expected costs. Yes. If we don’t, I just fear that it’s too much of a guess, too much of a finger in the air. We’re not sure what it’ll be, and then if you’ve got to have some

sort of statistical basis of a plus or minus what, how sure are we, etc.? So, I kind of think we're having a bit of a noose to tie ourselves by. So I don't really see the benefit.

JORDYN BUCHANAN: So, what about the suggestion of saying, "Here are the types of costs that we..." So, in some cases we've got the estimates from ICANN, so we can then like, if we expect there to be costs for other entities other than ICANN, just to say, "Also, whatever, registries would have to implement this," or "Registrants would have to," whatever it is, whatever non-ICANN costs are imposed. At least be willing to write down what the expected costs are so we could make some comparison to the –

DAVID TAYLOR: I'm just not sure how we get even those costs with any certainty. I'm sort of thinking – I'm just not sure how we get them and being certain that we've got them. That's the thing.

JORDYN BUCHANAN: All right. Well, clearly no one agrees with me, so I'm just going to point out that this just means other people are going to do this for us, and we lose control of the exercise. Right? Eventually the Board is just going to decide like, "Oh, this is expensive, too expensive. We're not going to do it." Even though we might have

thought that was the #1 more important thing you should do, no matter how expensive it is, even if you can't do all the other things. They're just not going to do it, because they're going to do their standalone, independent cosmetic analysis.

WAUDO SIGANGA: Jordyn –

LAUREEN KAPIN: That is different, and I see you, Waudo. That's a different point. That's a priority point, "Which is the most important, even if it's expensive?"

UNIDENTIFIED MALE: [inaudible]

JORDYN BUCHANAN: If there's a finite pool of resources, right? Just because something is #1 on the – like different prioritization schemes get different outcomes, right? So in some prioritization schemes you might say "Number one, do that first," even if it uses all your budget, and don't care about 2 through 20. Or, you might say, "Oh, 1 is a little bit more important than 2, but I'd rather have 2 through 6 than just 1, if 1 was the most expensive," right?

That conversation's going to happen somewhere, and we're just letting someone else do it for us, because we're not willing to engage in that conversation right now. So, that's fine. If we're willing to let other people have that conversation for us, then they can, but that's what's going to happen.

LAUREEN KAPIN: Waudu and then Carlton.

WAUDO SIGANGA: Jordyn, with regard to other people doing it for us, I wouldn't mind if the other people are professional at that particular function. If necessary, they can incorporate some of the members of the group here, if we feel that our input is also important there. But I would prefer things to do with the costing, benefits, cost-benefit analysis and so on, maybe to be done by a more professional approach.

CARLTON SAMUELS: I'm following up on what Waudu says, because I don't see any reason why you couldn't use cost benefit as a criteria to prioritize. If my benefit is such that it is compelling, then I may decide at some point that it is high priority. Like Waudu says, I don't mind who makes the call, so long as the criteria is

available to me to assess. That's what I feel. I think we should put it in.

JORDYN BUCHANAN: I don't care. I personally would think that it would be better for us to have control of that exercise, but if no one else has the appetite to engage in the exercise and everyone is comfortable with someone else making those trade-offs instead of us, that is fine. That will be done faster. Just don't complain to me after the fact when they're like, "Why didn't ICANN do this recommendation? We really wanted them to." But it's because it was really expensive and we didn't get in front of that one.

JONATHAN ZUCK: Thanks, Lauren, for your help in leading this discussion. I guess I would love to get us to a point where we're only making recommendations that we believe the benefit outweighs the cost. So the question then becomes the degree to which we need to document our thought process in that. In other words, I don't think we should put any recommendations forward that we believe the costs outweigh the benefit. Right?

And so to Jordyn's point about controlling that conversation, does it behoove us to document our belief about these things or to even document that we understand that something is costly,

but we're recommending it anyway, should have implied in it the belief that worth, that cost, even though we know it falls into a high-cost category. Right? I mean that's the –

CARLTON SAMUELS: And the last part of what you said is what I am for. The argument I joined was whether or not we should leave it to somebody else to decide about the cost of it, and I'm saying as long as I know what the criteria was used to determine cost and I can analyze it, that's fine. But I believe that we should recommend, even if we think the cost is high, we should recommend it based on what the value we think it will bring to the DNS. I really do believe we should take that route.

JONATHAN ZUCK: And to take it a step further, what we want to avoid is the reaction of "Wow. Did they not even consider how expensive this would be?" Right? Because that's a way to dismiss a recommendation because they can assume that we didn't take into consideration the fact that I would be costly. As opposed to "We're just throwing things we think would be good. You figure out if they're worth doing." We shouldn't be recommending anything unless we think it's worth doing and it outweighs its cost. Go ahead.

CARLTON SAMUELS: And again, yes. I agree with that in general, as a general principle, but we all know that there are some costs that we simply cannot compute here. And we're not in a position to compute them. So I would not want to throw away the idea that we should make a recommendation that we believe in nearest to the benefit of the DNS space even if we don't have all of the cost points outlined, I really do believe that we should.

JORDYN BUCHANAN: So, hopefully this is obvious to everyone, but we can't say that we're advancing recommendations where we believe fast benefit analysis is in favor of the recommendation, unless we actually make an attempt to compute the costs and benefits. Right? If we're just like, "Oh, it's too complicated to compute the costs," then it's impossible for us to assert that we have actually done our –

LAUREEN KAPIN: Just to respond. I think what Jonathan is saying and what perhaps Carlton is also saying is that implicit, and I think you're taking issue with the fact that it's implicit rather than explicit, implicit in our recommendations is whatever sense we have of the costs, we still think these recommendations are worth it,

that the analysis and data that we've collected thus far has driven us to make this recommendation and not in an arbitrary way or this-would-be-nice way, but an assessment of "We think this issue is important and we think these are crucial benefits that would ensue." What I hear you saying, Jordyn, is that we haven't been explicit about this, and perhaps we haven't been rigorous enough about it, but I do think that as a Review Team, the grappling that we've done has said, "We think this is worth doing."

JORDYN BUCHANAN: I agree that we've done that. Sorry, you go ahead, Waudo.

WAUDO SIGANGA: No, I just wanted to say that the way she just put it is exactly what I think the way we need to think about it. It's very well put.

JORDYN BUCHANAN: So, I think we've done this in a very ICANN sort of way, which is to say –

WAUDO SIGANGA: [inaudible]

LAUREEN KAPIN: [Multi staples].

JORDYN BUCHANAN: We think it's a good idea, so you should do it without actually any real consideration of the costs or scarcity of resources. I think you see this play out all the time in ICANN. You see everyone complaining about volunteer fatigue and no one being willing to do anything about the stuff on the agenda, because no one's willing to actually acknowledge that there's costs and so. Then, the next thing that comes up, someone says "Oh, why don't we do a PDP on topic X?" And everyone's like, "Yes. We need to do a PDP on topic X. It's very important."

And it is very important but it comes with a cost that no one is weighing against the importance of it. I think we've done a good job of convincing ourselves that the things in our recommendations are important, but I don't think we've done a very good job of asking ourselves what the specific benefit that the community is likely to get from it and does that outweigh the costs that it's going to require in order to get there?

So, a lot of what we've said is like, "You know what? We couldn't do a very good study next time," for example. "We couldn't do a good study this time. Next time we won't be able to unless we get a bunch of additional data." I think that's totally true, but what's the value of doing a really awesome CCT study? I'm not

100% sure of that. And I am also not 100% sure that it's worth, like ICANN's telling us it's going to be millions of dollars to do all the stuff that what we said. Is that worthwhile? Maybe, maybe not. But I think it requires some amount of actual disciplined thought in order to get through that exercise.

CARLOS RAUL GUTIERREZ: I believe in small steps, and I think they're throwing so much money into the studies to say, "Okay, we have to fine tune the levels of public interest commitments." Or when we say, "We have to look and this and this costs," for the cost-benefit analysis even if there is no money for the study, we have progress. So, I think Carlton was about to say that it is more important if the study comes or not, is that we come up with a list of arguments or a list of recommendations in terms which costs have to be considered against which benefit. That's worth the Wednesday mornings that we have spent together. Thank you.

JONATHAN ZUCK: The problem is these things are interlinked. Right? So that the degree to which we've been tasked to coming up with a cost-benefit analysis of the New gTLD Program itself is something that we're not particularly well capable of doing. We've come up with some advantages and we've come up with some

disadvantages and they don't compare against each other very well. But ongoing, if we take a step back and look at, as you say, the ICANN way of doing things, very little of this every takes place. So, in that context, to say, "Does it matter whether or not you have a particularly good CCT review in the future?" I could potentially agree with that statement, but then we should recommend that there not be further CCT reviews. Right?

I mean, that's the thing. At some point we ought to be definitive about something, and if we're going to end our Executive Summary say how we think things are going, I think it makes sense to say there shouldn't be subsequent procedures until X, Y, and Z happens regardless of its cost, because the argument against that is that there's something so magnificently wonderful about subsequent procedures, right? So, there's cost benefits that have to happen at both ends, and there are certainly people that are champing at the bit to have more subsequent procedures without any quantification really having taken place of what that upside is. So, the point that something will take a long time or be expensive is I think a very important one. But at the same time, I think that it is within our remit to say that we don't think there should be more of this stuff until certain things are worked out or figured out or something like that because we're not exactly holding back.

Our competition and choice analysis is not such that it was somehow overwhelming in its benefits. So if we've put ourselves in that position, those things are tied to each other and to be the only ones in the community saying that of being so disciplined which I really appreciate the idea of because a part of me wants to say, I think there should be data driven decision-making inside of ICANN. And I sometimes got pushback from Asha, Board member. She's like, "That's expensive." And I said, "Fine. Let me look at [David's] budget and I'll tell you where to find the money for it then," because there's certainly plenty of things that ICANN spends money on that I certainly don't find valuable.

So, that's the problem is that in isolation but where we're just saying, "Hey, we just want to have a knowledge about whether safeguards are actually effective or not. And that's terribly expensive but we want to do a \$3 million document database or something for the organization," then that makes our \$3 million cost seem less significant. That's part of the problem is that everything is relative in a sense. It all seems like an enormous amount of money to meet, for sure. It's felt like an enormous amount of money to spend \$250,000 or whatever it was on a certain day. It seems like a ton of money but at the same time, we spend far more on things that might be less important. Yes?

CARLOS RAUL GUTIERREZ: Might be the last thing I say in ICANN and they might fire me. But we have to recognize that there is the ICANN – we worry about the Board, Asha and so on and the community and so on. But on the other hand, there is an ICANN that has taken the role of the market maker. I mean we have this GGD Division making their own meetings and so on. So, the question is –

JONATHAN ZUCK: [inaudible] legacy.

CARLOS RAUL GUTIERREZ: So, if you're the market maker, you have to do it. Okay? If you're not the market maker because ICANN is just organization, the community, and we don't regulate contents and we're not responsible for abuse and so on, then we remain on this level but you have waken me up that my question is, as long as ICANN takes the role of the market maker at whatever level, they should be doing this. Thank you.

To support your last statement of they should be doing this exercise even if it cost 20% of the market volume they are assuming. I'm just relating to your last statement. If they take the role as the market maker, they have to take care.

JONATHAN ZUCK: I'm not sure exactly how to proceed on this because it doesn't feel like it's that rigorous an exercise to do the categorizations that Jordyn has laid out. I mean those are pretty gross categories of cost. I don't know. Yes. There's a binary question about whether we should attempt it and then whether those are the right categories. I mean I feel like the one about contract changes being required shouldn't necessarily be considered the highest cost. It might just be the longest time horizon or something like that but that we can quibble about that.

But I guess my question is where people are as a group about whether or not we should include column basically in our recommendation and a recognition, if you will, that something has a high cost associated with IT relevant to some of the other recommendations. And I guess I didn't hear all the objections to doing that but –

JORDYN BUCHANAN: Everyone says it's not possible.

JONATHAN ZUCK: That it's not possible or there's a danger in doing it or [inaudible].

LAUREEN KAPIN:

You can chime, anyone, if I'm mischaracterizing. But I heard two objections. One is that we are not the experts in this and we might just be plucking things arbitrarily in [certain categories]. And two, it actually might be arguing against ourselves unless we very carefully identify particularly for anything we designate as high cost that, yes, we know this is high cost but we believe these benefits justify it. Those were the two concerns that I heard expressed. But if I've missed anyone's concern, jump in.

JONATHAN ZUCK:

I guess I will only say, aren't we then, by de facto, saying either that we know that it's high cost and it's worth the cost or we don't know that it's high cost which is even worse because then we're not saying that we need to justify the benefit. Don't we end up having a Voltarian problem of through omission making the same claim? I feel like that's what Jordyn is saying, is that we're saying I think it's worth it but we didn't go about figuring out what it would cost so we don't actually know if it's worth it. We're just saying we think it is. I don't know.

That feels dangerous, too. If we're too easily dismissed because the staff are certainly going to go and be asked by the Board what these things are going to cost. So, that exercise is going to happen. That assessment is going to take place with or without us. That's the issue.

LAUREEN KAPIN: But just to speak to that, if the staff is going to assess the cost, I assume that that is an independent effort. Laureen and company can say, “We think this is going to be high cost”, staff can actually look at it and say, “Actually, we have a lot of this information and it's going to be low cost.” These are two –

JONATHAN ZUCK: It's highly unlikely.

LAUREEN KAPIN: I don't know.

JONATHAN ZUCK: Occasional maybe.

ELEEZA AGOPIAN: We've basically already done that in the implementation assessment that we shared with you –

UNIDENTIFIED FEMALE: I think you should use that for sure.

ELEEZA AGOPIAN: That indicated to our best estimates of costs and efforts required and just possible stumbling box like, for example, contractual changes and how that might impact timelines and so forth. So, that's there for you. And that's been shared with the Board as well.

WAUDO SIGANGA: I still think that we should stop at just making the recommendation. That's already an indication that we think the recommendation is good and it's worth it but not to go into the nitty-gritty of bring those calculations or coming up with classifications of cost. I think it's just safe for us. Let's just do the recommendation. That's my stand.

I'm saying we should limit ourselves to just having the recommendation without having to analyze its cost because already intuitively, once we make the recommendation, it means that we think the recommend is good, it's worth it.

JONATHAN ZUCK: What does it worth?

WAUDO SIGANGA: We don't have the exact figures.

JONATHAN ZUCK: It's not exact though. You're saying it's worth it but what is it worth?

WAUDO SIGANGA: Yes. We can't be able to calculate the worthiness of it, if I can use that word, for the simple reason that Laureen have said, we're not the experts. But we feel that it's a good recommendation and it needs further follow-up. If it's a matter of costs and benefits, we leave some experts to follow-up on the recommendation that you have made in their capacity as experts.

JONATHAN ZUCK: Let me play devil's advocate. If I go through your recommendation and I say it costs \$20 million to do, do you still think it's worth it?

WAUDO SIGANGA: If you're the expert, then we leave it at that, that you've come up with something that –

JONATHAN ZUCK: No, I'm only the expert on how much it'll cost. So, I've come back and said that your recommendation is going to cost \$20 million. Do you still make the claim that it's worth it?

WAUDO SIGANGA: Maybe. I don't know. I thought you were going to get experts who will do a cost-benefit analysis.

JONATHAN ZUCK: But who's that going to be? Who's that expert?

WAUDO SIGANGA: It's not us certainly.

JONATHAN ZUCK: The Board is that expert?

WAUDO SIGANGA: No, no, no. There could be other – I think we discussed these issues sometime back.

JONATHAN ZUCK: There won't be.

WAUDO SIGANGA: And we say that when it comes to things like the economic matters or working out cost and benefits, there are other experts that are better than our group.

JONATHAN ZUCK: I don't think so.

JORDYN BUCHANAN: Let me put staff on the spot for a second. You guys are happy to tell us how much things cost, right? If we came to you and said, "How much will this recommendation...?" We know you're happy to do this. [inaudible]. Right.

UNIDENTIFIED FEMALE: [inaudible].

JORDYN BUCHANAN: Right. In case, you guys, you think it is the appropriate role for staff to estimate the costs of things that we might do? Would you think it would be the appropriate role for staff for you to decide like, okay, we have a list of recommendations that we gave you. You guys now know the costs, you guys now choose which ones to implement based on the costs.

ELEEZA AGOPIAN: That's an easy answer. We don't choose which ones to implement. The Board does.

JORDYN BUCHANAN: That's right. So, the experts are not actually going to do that tradeoff that we're talking about here.

ELEEZA AGOPIAN: Let me qualify that a bit. I think the Board will take our input on what's feasible and what's not. Just as we've provided it to you, they have received the same feedback that we provided on implementation and where challenges are. So, I mean we can provide the contours of that.

JORDYN BUCHANAN: Sure. So, de facto, if we don't do this, they're going to get the costing information from you guys and they'll get some costing information on third parties by other people whining at them about, "Oh my God, this is going to ruin my business" or whatever. And then they'll just decide, right? When no one else makes the decision, then the Board has to decide instead, right? These recommendations all go to the Board and the staff will give them as much advice as possible. So, the expertise advice will come to the Board. That's just who it will be. It'll be a bunch of random people who care about ICANN just like us.

WAUDO SIGANGA: By the way, Jordyn, I think we already got some costs from staff when they were doing what you call the public comments. Yes. And we got those costs from them as experts.

JONATHAN ZUCK: So if I can take Jordyn’s two recommendations from the day and merge them, would you be comfortable having an exercise where we look at the costs as outlined by staff and then looking at the benefit as outlined in our rationale section of our recommendation and trying to make a call whether we should drop some recommendations so that others that we think are more worthy have a better chance of making it past the review process and not be dragged down by ones that have a mismatch between their cost and benefit.

WAUDO SIGANGA: I would not mind that as long as a group, we come up with a conclusion that say something like we think this recommendation is worth it. Just simple description like that rather than coming up with figures and –

JONATHAN ZUCK: For us to go through that exercise, we'll still need to have some sort of sense of cost. Take the cost numbers we have.

WAUDO SIGANGA: Yes. We can take the costs that are given to us by staff. Then we can figure out benefits amongst ourselves.

JONATHAN ZUCK: So can we make the cost based as on a recommendations, I think is really the bottom line thing. Can we take the cost as identified by staff and we can push back if we think that they're wrong. But let's start from that list of costs from staff and make a pass on our recommendations based on those cost to see if it changes our view about whether or not we think they're worthy [inaudible].

WAUDO SIGANGA: I agree with you.

JONATHAN ZUCK: Should we, as a team, do that?

WAUDO SIGANGA: I think that's a very good approach. But as I was saying, the final outcome, the final conclusion that we come up with should just be something descriptive. Like we say after looking at all the costs and benefits, we find this recommendation is worth it. But

now, we don't come up with any figures or classifications. Just whether it's worth it or not.

JORDYN BUCHANAN: I think to the extent that like one of our goals here, so I think there's two goals in this exercise. Number one is to satisfy the comments that we received which is basically like, "Hey, you guys should actually think about how much this stuff costs." So, I think that exercise certainly accomplishes that objective. So, we wouldn't have to actually write down the cost-benefit analysis in the report. We could say as a team, we went through and did this cost benefit exercise. Therefore, we've satisfied that.

I think it probably gets us pretty close to the second concern as well which is probably like if we don't do it, someone else is going to do it for us to the extent that we actually knock anything out in that process or do some level of prioritization but somehow something –

JONATHAN ZUCK: Or modification even.

JORDYN BUCHANAN: Or modification like you would imagine something has to change as a result of that exercise. Otherwise, we basically just

put everything out and say it's all the same and - anyone else to figure out if ICANN doesn't have enough money to do all this, which ones do they do? Yes.

JONATHAN ZUCK: So I think where that leaves us, unless there's objection, is that we're going to do a path through the recommendations next to their cost. We've already asked staff to go through that work or the Board already did or they already did it. I don't know how the genesis of it. But it exists. So, given that it exists, let's go through and look at the recommendations and the context of that cost and have those conversations and convince ourselves that each recommendation is worth that cost. Either push back on it, the cost or convince ourselves that it's worth that cost. Sound reasonable?

LAUREEN KAPIN: Or eliminate something as we conclude that it isn't.

JONATHAN ZUCK: Right. Exactly. And eliminate the ones that aren't. Sorry, that was meant to be implied. Yes, ma'am.

ELEEZA AGOPIAN: We did it in response to your request for feedback on implementability of the recommendations. But the other point I wanted to make is so we have that document which addressed the draft 50 Recommendations. I think our assessments would still largely be the same but obviously now, recommendations are changing and there are some new ones. And we've been discussing those internally so I think we could have more feedback for you on that. I'm not sure of the timing. I'll check. But that may be useful as well, I'd assume, to your discussions particularly on the new chapters that are being published.

JORDYN BUCHANAN: Yes. Thanks, Eleeza. And I think this whole exercise will be easier once we've finished the consolidation process so there will be fewer recommendations to talk through. So, I think as a first pass, we should do the consolidation then have to take another look [at the] cost.

I do think we need to make some attempt to think about costs other than to the ICANN organization. We don't necessarily need to try to quantify them to any significant degree but just be thoughtful about –

JONATHAN ZUCK: People are going to act as proxies for those other [inaudible]. So, for example, you can say old registries are going to... We'll try to say that as we address these costs in addition to the dollar outlaying cost by ICANN that people will attempt to bring up costs that might be borne by third parties or something like that.

JORDYN BUCHANAN: That's right. And I just want to make sure that we're not limiting our discussion to just the cost that the staff is writing down. I see Dejan.

DEJAN DUCIK: What is going to happen with the recommendations or many recommendations that they conclude that are too expensive? Are we going to just delete them from the report or we will have comments that costs are pretty high and we leave it [tomorrow] to decide what to do with that?

UNIDENTIFIED MALE: For me, in lieu of what I'm planning to participate in the next two years in the Council in the Budget Group, changing from one shot external studies to regular data collection through a general survey reduces the cost tremendously. What I expect from these exercises, instead of having ten different external studies, we're saying, "Okay, we're trying to bring together

whatever can be brought together into regular surveys of registrants and users,” it's somewhat cheaper approach than just give me the apples and the high hanging fruits.

So I would expect from this revision an incredible synergy in terms of what we are demanding. So, I plan to get out of here in the next five minutes with a very positive attitude that today, we have reduced this monetary cost by reducing the number of recommendations by bringing everything that can be brought on their simple surveys down and letting the analysis part to be done at some later point by the next internal CCT Review.

So this is my feeling of today, it was not just shooting for shooting, Jordyn, but it was to make it reasonable. So, I think we should have a much more reasonable number now because we are internalizing the data collection into the regular activity and the analysis for the next Review Team to be done, and we're cutting out third parties that we have to explain first what we do so they tell us what we should do which is the problem. I still consider that this group has more knowledge than any external group in the future for those studies at least by today.

JORDYN BUCHANAN:

My answer to Dejan's question would be if we think they're too expensive, either we need to change the recommendation to make it less expensive, or yes, in fact, we take it out. We say like,

“We looked at it. It doesn’t seem like it's worth doing. To Waudó’s point, it's not worth it. So, we shouldn't include it in the report. But in many cases, maybe I will just modify it to get a better cost benefit.

JONATHAN ZUCK: There could be something in particular that's driving its cost now too.

DAVID TAYLOR: I was just going to pick up on your comment to order about if the recommendation cost \$20 million, would you still want the recommendation? And to my answer, that would be if it's a good recommendation, yes, because \$20 million is nothing compared to \$350 million in application fees if you think about the big picture.

And we're looking at the consumer trust and safeguards for the entire new gTLD process and look into the future where we would possibly have more than 1900 applications. So, I do think it's an important thing to be bearing in mind on the costs side. If we think it's important, then I think it justifies the expense. But hopefully, none would cost \$20 million.

JONATHAN ZUCK: Come up with the process that we're going to engage in. Waudu, go ahead.

WAUDO SIGANGA: Sorry, maybe just to end up. Those critics from outside who are mentioning that maybe we are coming up with recommendations without really working out the cost benefit aspect, even when we do this in-house process that we are talking about, we will not be able to eliminate them because when they criticize, they will be criticizing using their own calculations.

JONATHAN ZUCK: Sure.

WAUDO SIGANGA: So I think we have to keep that in mind.

JONATHAN ZUCK: No outcome is going to be perfect in that regard. I guess the question is just trying to be as conscious as possible as we can about the costs that we're incurring on the organization and on the players of the organization when making recommendation and then make sure that we're making an affirmative decision that we think it's worth it. I don't think there's anything wrong

with us making a decision it's worth it even if some of the others involved won't like it. Let's just be conscious of the choice that we're making. I think that's the point. Go ahead.

JORDYN BUCHANAN:

The way I'd put it is people raise the concern “Have you guys done a cost benefit analysis?” I think that's a totally fair concern. And I think right now, we can't really say that we have. So, we need to do that. We go through the exercise. It's not that everyone's going to agree with us but at least then we will have satisfied the totally legitimate concern.

Now, I think a lot of times in ICANN in politics and so on, people just don't want you to do whatever thing. Lots of times when people don't want a bridge to be built. They're like, “You need to do an environment implemental impact statement.” It's not because they care about the environmental impact statement. It's because they don't want you to build the bridge. And so, that might be what's happening is that fundamentally, these groups object to the recommendation.

JONATHAN ZUCK:

So when it's copied and pasted in the process of the recommendation.

JORDYN BUCHANAN: But at least I think it's a fair observation. There's a reason why environmental impact statements exists. There's a reason why it makes sense to do cost-benefit analysis. But once we've done that, that allows us to move forward in good faith I think.

DEJAN DUCIK: If you wish to summarize that as an extra item, I can take it.

JONATHAN ZUCK: So we're going to finish our consolidation exercise. And once our consolidation exercise is finished, we're going to circle back to staff to ask for a refresh on their cost estimates based on the consolidated, those recommendations. And then we as, a team, are going to go through each recommendation side by side with the cost including somebody playing proxy for third parties like registries or something like that.

So we're going to try to look at cost to the extent we can that might be borne by third parties in the recommendation. And then in each case, the affirmative statement recommendation is or isn't, in our view, worth that cost and if it isn't, it's removed or it's changed to make it through this worth of cost. And the ones that remain or the ones that we feel strongly are worth the cost. So we decided to go through that exercise. Thank you. Okay.

Dinner is at the Japanese restaurant on the roof of the Aloft at 7:00. Reservations under Zuck.

UNIDENTIFIED MALE: Are we done? What's on our agenda?

JONATHAN ZUCK: I don't know that we're done. I just got to ask the question and so I just thought I'd answer it. I made reservations for ten people which is about the number of people that raised their hands. 7:00, Japanese restaurant on the roof of the Aloft Hotel.

JORDYN BUCHANAN: Now, there's only five.

JONATHAN ZUCK: Now, there's only five? All right. Huh?

UNIDENTIFIED MALE: We are recounting. You might want to do it again.

JONATHAN ZUCK: I guess we're recounting. Who's coming to dinner? I guess that's the thing. Eight was the number we got before. And so, I've made a reservation for ten because I know eventually Jean-

Baptiste will want to come. Do we have anything else on our agenda?

JEAN-BAPTISTE DEROULEZ: First of all, are there any other updates that were identified that should be included in the final report? And then we can move to the roadmaps to final report.

JONATHAN ZUCK: Are there any updates needed for the final report?

JEAN-BAPTISTE DEROULEZ: Yes, other than those we have discussed and the ones I've presented before. Are there updates that were identified by any of you?

JONATHAN ZUCK: Capture all the ones I was thinking of, that we in the application violation section. I think you captured all of them. I don't know that for sure but I think so.

At the beginning, Jean-Baptiste went through every recommendation and said this still needs this section like the success factors or this is missing, this piece and he went through each one. So the question is, are there other updates that need

to be made to the final report that did not come up as a part of that conversation.

WAUDO SIGANGA:

Yes. I think in the timetable that he had circulated for today, there was a section where some of us were to go through some of the recommendations that applied to us. I think we didn't do that. I was working on Recommendation 9 where I changed the wording to some extent. So, I'll send that to you. Is that okay? Because I don't think we did that section.

JONATHAN ZUCK:

We went through the things that require updates. We didn't make the updates. So at the beginning of the session, we went through step by step what things still need to be done to generate a final report. So the question is does anybody know of something else which is probably something not in the recommendations, in the text? Is there more texts that needs to be updated?

I know that for example we've got a pricing draft that I held a pen on and then I found some footnotes for that still needs to be updated. If you want to make note of that, Jean-Baptiste, that's in the main section of the report. Are there other surrounding texts besides the recommendation? Maybe that's why I should

put that still that people have pending that still needs to be updated that hasn't been already.

In new DNS section, there's the parking sections, there's the rights management section. Are there other sections that need to be updated based on public comment?

JORDYN BUCHANAN: Within the Competitions Subteam at least, the folks that are looking at the public comments related recommendations are also looking to see if the body text needs to change as well as part - in many cases, yes is the answer. That's already being done as part of the public comment review integration process.

JONATHAN ZUCK: So then is the vector into this conversation, the public comments then rather than a to-do list of what's left to be done? Maybe that's the way to think about it.

So, Jean-Baptiste, to answer your question, it may be that the to-do list should be based on the public comment spreadsheet and the updates to that. And that's where we should look for what's been done and not done maybe because it might involve updates of recommendation, it may update texts.

Though in each case, we're going to describe briefly what that was I think. So, that's probably the checklist is actually a public comment, summary spreadsheet. I think because Lauren particularly likes that spreadsheet.

LAUREEN KAPIN: I love it. Excel is my favorite.

JONATHAN ZUCK: Okay. But does that get to that answer to that question basically? Since we've committed to doing that document and updating it, that'll be our indicator of what's left to be done I guess because we'll do it after making the changes of the report, we'll be documenting.

JEAN-BAPTISTE DEROULEZ: Okay. Can we move on to the last item on the agenda? Okay, thank you. So this is regarding the roadmap to the final report. This is the same as what was projected earlier on the engagement section slides. So just to remind you that so the draft of the new sections will be published on the wiki while we wait for translations of those sections.

So most likely, the new sections will be published after ICANN60 for 30-day public comment period. And after that, there will be

about two weeks for staff to produce the public comment summary. So that would leave us with approximately the public comment periods ending around mid-December, plus the two weeks for the public comment summary and not taking into account any request to extend the public comment period like it was for the previous draft report.

So here, we can see on screen, so based on that, it's likely that the final report would be sent to the Board by January 18 and 19. And so, what I would need to know now how we are going to schedule the different calls after this face-to-face meeting. I recall that, Jordyn, you had mentioned that you would prefer that it may be a subteam calls to have a look at the different recommendations. I never seen it was discussed today.

So, the suggested schedule currently on screen would be to follow next three weeks starting Wednesday, November the 8th with three subteam calls. And then on the 29th of November, to start signing off on the different updates from subteams. And we [inaudible] arriving a final sign-off on all of that.

JONATHAN ZUCK:

My only caveat to this is that one of the subteams is the application and evaluation which is really a plenary. So it's possible that on November 22nd or one of these, we should either do an additional call in addition to the subteam calls that's the

devoted to the application and evaluation process or do it instead of the subteam calls. I don't know how much time the subteams want. We just need to schedule in a plenary call that isn't just sign off on the subteams because there's the application evaluation itself needs a round of discussion as well.

JEAN-BAPTISTE DEROULEZ: Yes, or we can plan a plenary call on a different day as we did before, as you wish. So on 22nd or 21st –

JONATHAN ZUCK: Whatever that week is.

JEAN-BAPTISTE DEROULEZ: On that week exactly.

JONATHAN ZUCK: And I'll try to get with primarily me and Megan that drafters on that.

DAVID TAYLOR: Can I do that again? Thanks for that, Jean-Baptiste. I got one query we're mentioning here on the last slide whichever the slides we're going to be having running through on the engagement session on Sunday. We're mentioning the new

section is being published on the wiki. And they're not on the wiki yet which is probably good thing because I'm thinking – oh, they are on the wiki.

JEAN-BAPTISTE DEROULEZ: No, they're not. It's because I'm just waiting for an updated version on the parking based on what was discussed today.

DAVID TAYLOR: Okay. That's what I was going to say. What was our time? Obviously, we need that before Sunday for it to be published. And then also you had sent that email around two days ago about that be able until Thursday to look through it. I don't know if anybody or everybody has read through that. I should ask for another show of hands. And if you keep me [handed], you can have dinner tonight or something and Jonathan's paying but perhaps not. But we need to just make sure everyone's had the chance to fully read it. I know I didn't. I got halfway through and I'll finish it off I think before Sunday but I haven't. I might find something but otherwise, I'll shut up.

JEAN-BAPTISTE DEROULEZ: Thank you, David. I totally agree with you. It's quite urgent. And I just wanted to mention that there is an outreach session

tomorrow with ALAC so that would even be better. That would be already online for tomorrow, to be honest.

Okay. So, that was the last slide, Jonathan. We'll schedule a plenary call on the week of Wednesday, 22nd of November, for the application and evaluation and recommendations then. Thank you.

JONATHAN ZUCK:

For the record, we're on the final stretch here so make sure and keep an eye out for tasks that come across the e-mails and make sure we stay on top of them and not just wait for calls because we end up skipping a beat when we do that. Try to read something comes to you and get your homework done. And don't give Jordyn and Laureen aneurysms for trying to chase you down.

All right. Thank you very much. Bye. And we're adjourned.

[END OF TRANSCRIPTION]