
LAUREEN KAPIN: Welcome, everyone, to our first call for 2018, our 38th call – goodness! We’re going to start with me stepping into Hal’s shoes because he is traveling today. But, we’ll start by talking about recommendations 13, 15, and 33. Hopefully ... I just want to make sure. I’m just looking to make sure ... Is this the version that I CC’d you on, Jean-Baptiste, last week?

JEAN-BAPTISTE DEROULEZ: Yes, it should be. Let me have a look.

LAUREEN KAPIN: I’m just bouncing back and forth. This is not the version, Jean-Baptiste, because mine has conduct a survey. These were the versions that I sent to you that I CC’d you on in emails to Hal and Jordyn. I’m happy to resend it if you’re having trouble finding it. That would’ve been on 12/27. Nope.

JEAN-BAPTISTE DEROULEZ: Can you hear me? Yeah. This is the version I received on Wednesday, December, 27th.

LAUREEN KAPIN: I’m looking at the version I sent you on Wednesday and it’s conduct a survey that focuses on consumer trust, so that’s why I know that this isn’t the right version.

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.

JEAN-BAPTISTE DEROULEZ: Yeah. The one I sent was this one. That's weird. Let me have a look. Sorry about that.

LAUREEN KAPIN: That's okay.

JEAN-BAPTISTE DEROULEZ: You should have it on screen now, and the version is sent has no track changes.

LAUREEN KAPIN: It does, actually. You have to put it in the track changes form, though. Instead of when it's in Word, you have to put it in not final form, but the track changes form. The final show markup form. When you make a PDF of it ...

JEAN-BAPTISTE DEROULEZ: I see that.

LAUREEN KAPIN: Although it's not bad to have ... Why don't we keep this on screen for now, and then maybe you can also do the other one? Let's talk about this first in this easier-to-read version, and then we can put in the track changes form. How does that sound? Maybe you can be doing that on the sidelines while we go over this one.

JEAN-BAPTISTE DEROULEZ: Yeah, it's really [inaudible].

LAUREEN KAPIN: Okay. Basically, after our meeting in Abu Dhabi, we had discussed consolidating recommendations 13, 15, and 33 because they all had common elements of dealing with a survey focusing on consumer trust. This has gone through several iterations, but the main change here is really the consolidation, rather than a change to the substance. The other issue that we wanted to follow-up on after Abu Dhabi is talking about a survey rather than a study, so that change has been made to this. Again, we'll show the track changes version.

Essentially, this consolidates all three recommendations, [adds] success measures, and includes one of the recommendations – recommendation 15 – which really focused on repeating selected parts of the global Nielsen surveys, the ones that dealt with consumer trust specifically and any issues related to that. That's now in the details section, since it doesn't need to be a standalone recommendation. It's really a detail of what questions part of this survey should include.

So, the recommendation now, as it reads here – and it's easier to read here. That's why I thought we'd start with this and then we can show the track changes so people understand – is to conduct this survey that focuses on consumer trust, and again picking up threads of what the Nielsen survey found, focusing on which details these are most visited, why they're most visited, what factors matter most to users in determining details [inaudible] to visit.

Number four focuses particularly on consumer trust. Sub four, how user's behavior indicate to what extent they trust new gTLDs. And then comparing the trustworthiness new gTLDs with restrictions on registration to new gTLDs with few or no restrictions. Then there's a reference to repeating applicable parts of the global surveys for end users and registrants to determine whether there has been an increase over time with familiarity, and visitation, and perceived trustworthiness.

The rationale doesn't really change ... I'm just making sure I'm being accurate here. The rationale really doesn't change much here, except to plug in the consolidation because 33 talks about the registration restriction and that's now been pulled in here, so we wanted to include that part in the rationale.

And the measure of success. The details that they set include what parts of the global surveys to repeat. The measures of success really focus on enabling future Review Teams and ICANN to see how trustworthiness correlates to visitation and what factors could contribute to trustworthiness, and also noting that these factors [could be] related to registration restrictions. And a note that this could inform future policy-making for terms and conditions that should apply for all new gTLD applicants.

Another success measure as a separate point is that this would be useful information for new gTLD applicants regarding what factors could lead to increased visitation and trustworthiness.

The last success measure would inform ICANN policy on registration restriction, especially if the data indicates that basic restrictions

enhance trustworthiness. That would also inform applicants [inaudible] to apply for gTLDs about the impact of registration restriction.

So, that's the overview of this consolidation. I'm happy to take questions and I'm also happy to put the red line on the screen if people think that would be helpful.

Questions or comments? We've actually been over these recommendations several times before, and really what's new here is just the full consolidation and the success measures.

DREW BAGLEY: Hey, Lauren. It's Drew.

LAUREEN KAPIN: Hey, Drew.

DREW BAGLEY: I think this looks great. The only I guess criticism I am anticipating – I'm just wondering if we want to adjust the language a bit for that – would be whether or not we're implying that ICANN should be in favor of registration restriction. It's obviously, as we've seen, there's the diversity factor of registration restriction certainly play a role in DNS abuse and other things that affect trustworthiness, as well as potentially the relationship of the gTLDs and the subject matter of the websites, like the dot-bank and [inaudible] talk about.

OPERATOR: The host has left the meeting to speak with meeting support and will rejoin soon.

DREW BAGLEY: Are you still there?

LAUREEN KAPIN: I'm still here.

DREW BAGLEY: Okay. Well, the host is not there anymore.

LAUREEN KAPIN: I'm not the host.

DREW BAGLEY: Okay. Well, the host [inaudible]. So, I'm just wondering if we want to add a sentence or something about this informing maybe the diversity of registration models or something about that so we don't sound like we're being prescriptive that all new gTLDs should have registration restrictions.

LAUREEN KAPIN: Are you talking about ... I just want to make sure I understand the language that's causing the concern. Are you talking about measures of success or is it something in the recommendation itself?

DREW BAGLEY: Let's see. I think I'm talking about rationale related findings. Let me find it. [inaudible] measures of success. Maybe I'm talking about that. I had it a moment ago, then I reread everything, so [inaudible].

LAUREEN KAPIN: That's okay.

DREW BAGLEY: Oh. I think that the second to last – or the last two sentences – is what I'm thinking about.

LAUREEN KAPIN: The last two sentences.

DREW BAGLEY: Yeah, measures of success, which I like them. It's just that's what I would perceive that it could, based on our past comments that we've received on just our [inaudible]. That's where I could potentially perceive or see that someone would perceive it would be [inaudible].

LAUREEN KAPIN: So, is there a recommendation? What's your specific fix?

DREW BAGLEY: So, the last success measure would be data that informs ICANN policy on registration restriction, especially if the data indicates that certain basic registrations [inaudible]. That's something where ... Yeah, I guess we want to acknowledge that there could be other factors. So, registration restrictions could mean ... Obviously, you can trust something that's super restrictive, but there are downsides to having a restricted TLD. So, maybe the first half of that sentence. Yeah, I'll e-mail you something.

LAUREEN KAPIN: Okay.

DREW BAGLEY: But, basically, all I want to do is add a few words that just indicated this would be ... The trustworthiness would be one variable as to whether or not there should be registration restrictions. So, no matter what, [inaudible] inform that decision-making. But just so that we're not implying that if people trust restricted registrations, then ICANN policy should mean that everything's restricted.

LAUREEN KAPIN: Okay. Yeah, I would appreciate an e-mail. What I'm hearing you say, which I think is a fair point, is that although registration restrictions may enhance trustworthiness, and that would be a benefit, there could also be disadvantages, for example, to competition or other costs, disadvantages, and that we want to acknowledge those factors are part of the policy-making process also. Is that fair?

DREW BAGLEY: Yes, absolutely. Yeah, because especially just thinking about [shutting] out other voices, if the future all gTLDs become restricted or something like that, I don't want anyone to then point back to this and being, well, this was a success measure and that's why we did it this way or whatnot.

LAUREEN KAPIN: Right. I think that's a fair point.

DREW BAGLEY: Whereas, this data would certainly inform if you're going to have a TLD that needs inherent trust like a dot-bank or whatnot. That's something where absolutely we would consider that to be a type of gTLD that should be treated differently with those restrictions should really be considered, [inaudible] generic word. Yeah, just so long as we're still showing ... Because I think we're very consistent about the [inaudible] report that we just continue this notion that we are looking at the diversity of types of gTLDs and diversity of factors that contribute to different [things with them]. So, that's it. That's my teeny-tiny, minor thing that does not even touch on the recommendation itself, which I think is beautifully written.

LAUREEN KAPIN: Okay. Thank you. I think that's a good point. I'll look forward to seeing your suggestion. I'm glad you've listed the references to what Jonathan was saying in the chat in terms of encouraging a diversity of different

models for gTLDs. Carlton I think echoes the point that we both made that registration restrictions in terms of trust ... Trust is one factor, but there could be other factors.

So, other questions, comments, on this consolidated recommendation? Okay, I'm not seeing or hearing any, so what I am going to suggest is upon receiving Drew's new language, what I will do is send an updated version around to the entire subteam with a request to provide any comments or feedback by Friday, and that way this can be presented for plenary review next week during the full team meeting.

JEAN-BAPTISTE DEROULEZ: Just a reminder that the approval is only made via e-mail, as previously discussed with leadership. It's not a plenary call. It's only via the Review Team list.

LAUREEN KAPIN: Oh, okay. I'm sorry. So, we're not going to discuss these on the plenary call?

JEAN-BAPTISTE DEROULEZ: Correct. It will be sent for review and approval via e-mail.

LAUREEN KAPIN: That's even better. So, let's have our approval for the subteam by Friday and then we will send this to the full plenary for approval next week.

JEAN-BAPTISTE DEROULEZ: Yeah, it would be next week on Monday with a deadline of [inaudible] next Friday.

LAUREEN KAPIN: Great, perfect. I'm hoping we'll be able to do that with all of these. Carlton, I'm hoping we have you by voice as well as by type in the chat to move on to recommendations 21 through 23, which we've also discussed before, but which have been tightened up a little bit.

Jean-Baptiste, do you have the final version of that? I shouldn't say the final version; I should say the last version.

JEAN-BAPTISTE DEROULEZ: Sorry, you said the recommendation 21?

LAUREEN KAPIN: 21 through 23, yes.

JEAN-BAPTISTE DEROULEZ: Yeah. Do you see it on the screen?

LAUREEN KAPIN: Yeah. I think this is Right. This also includes the public comments for our information, but it's really the consolidation because now 21 and 23 are consolidated, and then we have the measures of success. Are you able to speak, Carlton, or are you having problems with the operator?

Okay, it seems like we're having some technical difficulties, which unfortunately seems to be an ongoing problem.

JEAN-BAPTISTE DEROULEZ: We're trying to connect him, but it's currently not working, so I would [inaudible] you to drive the discussion, if possible.

LAUREEN KAPIN: Okay, I will drive this until Carlton is able to join us. So, essentially, this version of 21 through 23 incorporates recommendation 22, which dealt with publicizing contact points about where to complain. That is now consolidated into recommendation 21. So, what we have then are two recommendations now, 21 and it will be new recommendation 22. The rationale is broadened because, first of all, we're consolidating, and second of all, the original rationale was a little terse, so this expands it a bit and really talks about the fact that the Nielsen surveys showed a lot of concern for abuse and that undermines confidence and trust in the DNS. So these recommendations really focus on ensuring sufficient mechanisms to report complaints so that they can be measured and acted upon.

This also reflects the concern that ... Do we have you Carlton?

CARLTON SAMUELS: Yes, I'm on now.

LAUREEN KAPIN: Okay.

CARLTON SAMUELS: That is a hell of an [inaudible]. I don't know why I have this problem, but I can't call them. They can't call me. It's very strange.

LAUREEN KAPIN: Do you want to take over? How would you like to proceed?

CARLTON SAMUELS: No, go ahead, Laureen. I think we've had enough talk on this for you to [inaudible]. That would be very kind of you, thanks.

LAUREEN KAPIN: No problem. Then you can jump in as necessary. Good. I'm glad we have voice to voice.

So, this also reflects the concern about the complaint data, lack in granularity. We've spoken a lot about that. That's really the gist of the rationale, that we want to make sure there are effective mechanisms to report complaints. We want to make sure that ICANN itself is reporting complaints with sufficient granularity, and that's what's driving these recommendations. You'll see, again, we've tightened this up.

In terms of measures of success, again they're fairly straightforward. This measure will be successful if we have information gathered to assess whether complaint reporting mechanisms are effective and that

can inform policy efforts involving amendment of standard registry agreements. Maybe we should say “if necessary” there.

Another measure of success would be having ICANN compliance recording information about complaints by categories, including files from registries, registrars, and including responses to report to original reporters.

So, my suggestion would be when we send this around, it would be in a version that strikes all the public comments, those have already discussed in prior calls, and just includes the recommendation, the rationale, and the measure of success.

You’ll see for 23, which is a separate recommendation – it’s actually going to be 22 - that is the recommendation that focuses very specifically on detailed information about the subject matter of complaint where we give very specific recommendations about tell us the type of abuse, the gTLD that’s the target of abuse, the [inaudible] risk, whether complaints relate to protection of sensitive health or financial information, the type of contract breach that’s being complained of, and resolution and status of the complaint, including action details.

The rationale, again, is expanded a bit to pull in the data from the Nielsen surveys that find that new gTLDs are entrusted to the same extent and that the trustworthiness of domains that are collecting highly sensitive personal information, health information or financial information, are particularly susceptible to trustworthiness concerns, and that in order to really understand whether safeguards for highly

regulated strings in particular, whether these have been implemented and whether folks are complying with those safeguards, we really need specific information about the complaints that are coming in. That's what's driving this recommendation.

The success factor here is going to be ICANN compliance releasing a formatted report on abuse reports received, and adjudicated with the minimum of all the specified labels included. That really relates right to our recommendation that we'd like to see this more detailed information.

Those are the two recommendations that have been consolidated to include what was prior recommendation 22 into 21 with the rationales and success measures included.

At this point, I'll turn it over to Carlton for any additional remarks and turn it over for questions.

CARLTON SAMUELS:

Thank you, Laureen, but I really don't have anything to add to what you've said. We've pretty much gone through the discussion and what we've done here is a result of some of the suggestions. For example, we've made changes to the rationale. You've added some success factors. As far as I'm concerned, we've acted based on the recommendations from the team and maybe they should just speak now.

LAUREEN KAPIN:

Okay. So, questions, comments? Okay, I don't see or here any at this point. Again, my suggestion is what I will do is create a version of this that eliminates all the public comments that keeps the red lines, and we can put this out ... We can attach both these revised recommendations to one e-mail. But, what I'm going to council people to do is look at this in both a red line version and a final version. A red line version, so you know what changes; and a final version, so that it's actually readable because with the serial changes we have, it sometimes can be a little hard to read. I'm happy to include both the red line and a clean version so that folks can see that. We'll use the same procedure.

Let's move on to recommendations 31 and 32. I'm trying to remember if I sent that in a separate document. Yeah, I think that's actually at the end of ...

CARLTON SAMUELS:

Yes, it is.

LAUREEN KAPIN:

Okay. Right. That's actually at the end of the document that I had sent around also on Wednesday. Maybe we can get that up on the screen. We can start with 31 from 32 and go to 25 through 30. Okay, great. That's on the screen. I'm assuming everyone has scrolling rights.

CARLTON SAMUELS:

Correct. That's on page five.

LAUREEN KAPIN:

Great. Okay, so we're on page five. These actually did not change very much. We had considered whether to consolidate them, and Fabro and the subteam had concluded, no, these are actually separate because one really involves ...

Backing up, these involve on the safeguards regarding inherent governmental functions and safeguards related to cyber bullying. Essentially, the safeguards was focused on not misrepresenting a government affiliation and prohibiting cyber bullying. There's very little information on whether ICANN has even received complaints related to these safeguards. We basically are starting at a very basic level here, which is, one, ICANN should report on a quarterly basis whether it has received any complaints about these safeguards, and then recommendation 32 ... 31 is making reports on whether there have been complaints that specifically relate to these safeguards.

Recommendation 32 really talks about surveying registries themselves to determine whether they have received complaints related to cyber bullying and misrepresenting a government affiliation. And then two, how they enforce these safeguards.

Again, these are really focused on getting some very basic information about these safeguards, so that future teams can assess whether they're effective.

The rationale is the same. The rationale hasn't changed. The added measure of success, basically success will be if these recommendations generate data that indicates the magnitude of complaints regarding

cyber bullying and misrepresenting government affiliations and provide information regarding how registries enforce these safeguards.

Again, this is a very basic recommendation really getting at whether this is the problem, and if it's a problem, how these safeguards are enforced and how effective they are.

The public comments actually were supportive. ICANN notes that it hadn't yet received any complaints related to these safeguards, but there was support for these recommendations. So, this is fairly straightforward.

Questions or comments? Okay, I'm not hearing any, so I'm going to suggest the same procedure. I can put this in a version that deletes the public comment input and then have a clean version and a red line version for circulation.

Great. Good, I'm glad we have Fabro on the call for his input, too. I hope I didn't cut you out, Fabro, if you wanted to speak. Absolutely not. Okay.

Last but not least, 25 security. And you can scroll up. Basically, this is now consolidated recommendations that detail these in highly regulated sectors. What I've done is basically consolidated this into a single recommendation because it does really focus on a study that includes several different factors, so there's no reason for it to be several different recommendations.

I don't know when it changed the wording here as we did in recommendation 13, 15, and 33 to survey rather than study. I know we had discussed that for recommendation 13 and I'm wondering if, to be

consistent, we should call this a survey rather than a study. Does anyone have thoughts on that or recall what was driving our thinking on the use of study versus survey? Jonathan, do you remember what the issue was there, or anyone else on the call?

JONATHAN ZUCK: The decision between study and survey?

LAUREEN KAPIN: Yeah. I remember we had made an affirmative decision for recommendations 13 and 15 and 33 that we wanted to use the term survey rather than study.

JONATHAN ZUCK: What was going on during our culling process was kind of eliminating the commissioning of studies that didn't have an audience or to-do list that followed them. I think we just said that there was a distinction with the survey because it was something that would get used by future Review Teams, so it had a particular audience, but we were trying to eliminate dead end analyses that ICANN might commission folks to do. I guess that's ... It might've had to just do with who the target audience was.

LAUREEN KAPIN: This actually seems more ... To me, this does seem more like a study rather than a survey in terms of what this is asking because it's very specific in what it's asking.

JONATHAN ZUCK: Right. Yet, we voted to keep this.

LAUREEN KAPIN: Yeah, this has been kept all along. In terms of ...

JONATHAN ZUCK: I confess I don't remember what was special about this. Is the timing of it such that it can be acted upon by substantive procedures?

LAUREEN KAPIN: Well, we don't have it as a prerequisite. We have it as high.

JONATHAN ZUCK: Right, which is probably faster than prerequisite, actually. We have somebody cleaning in the background. I'm caught a little off guard by this. I think I need to take this offline to figure out to try and remember why it is that it stayed in because I don't remember now.

LAUREEN KAPIN: That's fair enough, but this had always stayed in because it was a particularly important category. These are all gTLDs in highly regulated sectors, and this [inaudible] speaking to figure out how basically – how registries are complying with the safeguards and that's why you have all the specific steps – establishing the working relationship with [inaudible], volume of complaints, and really there's some auditing

components here to see whether contact information to file complaints [inaudible], volume subject matter from ICANN compliance, rates of abuse comparison. And I think most importantly, assessing whether the restrictions regarding having the right credentials are being enforced by an audit of the registrars and resellers.

There's acknowledgement here that there's some ICANN data collection initiative and compliance audit that contribute to these efforts and recommending that ICANN assess the most efficient way to proceed, and that's in direct response to ICANN's concerns. Most of the public comments were supportive here.

JONATHAN ZUCK:

Right. What we just need to make sure is that we get some indication of what we believe to be done with this study once it's completed. What's the success measure of this recommendation?

LAUREEN KAPIN:

I think the success measure is ... Well, as written, the success measure is information to inform ongoing policy development processes regarding the effectiveness of the current safeguards as reflected in the contracts. So, whether these safeguards are actually doing what they're intended to do. Then there's a particular [inaudible].

JONATHAN ZUCK:

Who's the best audience for that?

LAUREEN KAPIN: I think it's going to be the Subsequent Procedures group and ICANN itself to the extent that they're engaged in policy development.

JONATHAN ZUCK: Compliance or?

LAUREEN KAPIN: Compliance or whatever group is involved in creating standard contracts for whatever future rounds occur, or even changes to current standard contracts. That's the real focus here.

JONATHAN ZUCK: Well, your original question was whether or not I thought it was important to call it a survey instead of a study. I guess my considered answer to that question is no. We should call it what it is. All it's bringing to mind was our rubric. Abu Dhabi was to make sure that there was some resolution to these things, that there was somebody to pick this up once the study was completed. I guess let's just make sure that we're directing somebody to – the Subsequent Procedures Team – to incorporate this or to wait for this prior to developing further policy on safeguards or something like that.

LAUREEN KAPIN: I'm wondering if, as an improvement on this, first of all, Jean-Baptiste, would be to add who this is directed to, to include the Subsequent Procedures group as who it's directed to. Are you with me Jean-Baptiste?

JEAN-BAPTISTE DEROULEZ: Yes. Can you repeat that please, Laureen?

LAUREEN KAPIN: Sure. Can we add as an action item to direct this also to the subsequent procedures PDP? Also, it seems to me that all these different items, perhaps it might include a study, but it's really ICANN should take steps to ... That this is more than a study. The audit is not a study, for example. It's more an initiative or a project. I'm just trying to think of the right word that includes ... I see Carlton's comment that he prefers the word survey, so it's something that acts as a baseline.

Another action item for me is to think about whether this first sentence, whether the term study, survey, or something else is the most appropriate term to capture all the steps recommended here. Yeah, that captures it, Jean-Baptiste, thank you.

Other questions, comments? Again, the gist here is to determine whether the safeguards for highly regulated gTLDs are effective. One, by looking at complaints. Two, by engaging in some sample audits regarding safeguards relating to finding contact information to file complaints, and also credentials, whether the folks holding domains in these highly regulated sectors actually have the credentials they're supposed to have and comparing rates of abuse.

It's really a whole series of action items all focused on gTLDs operating in highly regulated sectors.

Questions and comments?

Okay. So, for this one, I will take on these action items and recirculate to the subteam for comments.

Okay, we're at the 11:00 mark. Is there any other business that we need to conduct before we go our separate ways?

DREW BAGLEY: I have quick minor revisions about [inaudible]. If you want to see that language, I can put that in the chat.

LAUREEN KAPIN: Why don't you just send it to me?

DREW BAGLEY: Okay, I'll just send it to you.

LAUREEN KAPIN: Go ahead.

DREW BAGLEY: Something else. Going back to Carlton's recommendation that was on the screen, I've just been thinking about it a little more. Do we want to, for that recommendation and the others, just go back through and make sure we use the term technical abuse if that's what we mean? If not, then ... [inaudible] and also other illegal activities that we're obviously talking about things that are prohibited by the contracts themselves and whatnot, but I know since we get all this feedback

about us not being specific enough with abuse, maybe that's part of something we need to work on in harmonizing all the language in the recommendations if they mention the word abuse, just to make sure we write technical abuse if that's what we mean.

LAUREEN KAPIN: I guess my question is, is that what we need? Are we always only talking about the abuse categories that's specified in the contracts?

DREW BAGLEY: I don't think we always are, but in that one, since we also have the language of illegal activities, [inaudible] or no? yeah, it is I guess more a bigger question. I guess just as we go through these, maybe we want to consider that, so that way, when there's feedback about us using abuse in a certain context in one recommendation and different in another one, maybe we have clearer language for the community.

LAUREEN KAPIN: We're probably going to have a number of big picture issues for our final edit and maybe, Jean-Baptiste, we can start making a list of those big picture editing issues and put Drew's comment on that, which is to make sure when we refer to abuse that we're precise in using that term, particularly if what we really mean as technical abuse.

Another big picture issue, just while we have it and before we let people go, is once we have all these revised recommendations, we're going to need to do a read-through to make sure our rationales and our cross references are still accurate and complete because as we collapse

things, it may be that we have to make adjustments in terms of our next step review. Once we have all these revised recommendations, we're going to have to still go through the report and read things through to make sure things still flow properly and are in the right place.

Any other questions, comments, under the any other business category?

Okay, then, again, I'll wish everyone a happy new year and thank everyone for their work and thoughtful consideration. I think we will be scheduled to talk again next week.

[END OF TRANSCRIPTION]