DAVID TAYLOR:	David here and this is the 40th CCTRT Safeguards & Trust call. We're going to go through the DNS sections with Drew and also – I think we are – and the 40, 41, 42 recommendations, which I'll cover on the RPMs. I'll just kick straight into those. We just [inaudible] yesterday.
	Basically, I've been through on those the various comments, the public comments – and you've got a copy of the public comments. I'm happy to receive any further comments on these directly or after we've been through my takeaways, which I'll run through today which I sent out an e-mail as well yesterday. Once I've got any of those points, then I'll incorporate those and actually redraft any sections of the report which we need to and potentially a couple of the recommendations, which I'll go through. I think we might need to just amend [inaudible] recommendation but in substance, not massively anything changing.
	So, if you want, we've got it up on the slides there, recommendation 40, which is the first of the three on the impact study itself, which was the cost analysis of protecting trademarks in the DNS.
	We had 16 submissions on that. Five of them expressed support and there were zero against, so I think we've got a pretty good recommendation or adoption of this recommendation. I'll put in there we know that there's a need to make the survey more user-friendly. That's already in the wording and what we're pushing for in the reports and obtaining a high response rate. I think certainly the strong support for this survey having been carried out, the low response rate is the key issue. We drafted it and put that in [inaudible] quite careful in the wording there that it was indication of a trend rather than a trend

themselves, which was Nielson's precise wording of how we take this forward when some of the early expressions were made.

So, there was no responses in there saying that the survey shouldn't be carried out periodically, so I think there we're good on that and we all want to get an improved response rate and improve statistical significance, highlighting one comment from the NCSG on that low response rate where they've said they'd actually like to specifically include the Nielson disclaimer that the analysis of sub-samples less than 30 is subject to high variability. Caution is advised when interpreting them. I kind of thought we had got that through, but maybe I might tweak it a little bit to make that a little bit clearer if need be. I'm happy to take any wording [inaudible] and put something in like that if everyone thinks we need to say that in a little bit more [inaudible] shall we say.

I think one point that I put in the note that I thought was quite interesting was one of the comments to the effectiveness of the first phase of the PDP review, [inaudible] RPMs is being [inaudible] lack of data which is exactly the same issue that we can across. I think that's certainly something there and maybe that's something we might add into the report and just make a reference, so [inaudible] joined up with what's going on.

The only other thing is just, when I was going through this, I was looking up, going back on my old notes in the previous discussions on the draft report and I put in there that maybe we wish to include a recommendation to assess whether there's been any abuse by trademark owners of RPMs. That was a request at one point. And I think

when we discussed it, I said, "Why not?" That's quite a good [inaudible]. But, we haven't put that in and no one has asked for it again, so I don't think we need to put it in now, but I'd be tempted to sort of suggest it, but [again subject to what].

We all [inaudible], so Drew, Jamie, and Gao. And also recommended an assessment to whether trademark protection is costing registries, registrars in any way. Again, that was something else which just came through in the discussions. I don't know whether trademark protection is costing registrars in any way or registries. I'd certainly say registries, many of them were of the view that trademark sunrise applications was a provider of fees initially in the launch of the TLD. And certainly looking at a lot of them, there was a lot of figures which were put in and made use of that saying this is how a launch will happen and you have X number of sunrise, which will bring in X revenue in the first year. So, maybe because we've got less sunrise applications than many thought, maybe there's not the revenue coming from trademark owners which people thought and maybe then it is, in a way, costing registrars and registries. But, happy to have anybody's thoughts on that. Then we'll have a quick discussion on 41.

I can't hear you if you're talking, Jamie.

JAMIE HEDLUND: I had nothing more to say. I have no objections. The recommendation looks good to me. Thanks.

DAVID TAYLOR: Okay, thanks. Drew, any comments, thoughts? Specific question, do you think we need to put in this Nielson disclaimer more prominently that the analysis of sub-samples less than 30 are subject to high variability, caution is advised when interpreting them? It's in the Nielson report, generally, and there's a footnote. Do you think it needs to be more prominent or are we okay with what it is or where it is?

DREW BAGLEY: Can you remind me? What do we mention in the details for this recommendation? Because I'm recalling that concern months ago, I guess maybe when we were in Abu Dhabi. I'm thinking maybe that was when. And how, of course, as we discussed, that did not mean that the study was meaningless at all or that the data wasn't indicative of anything. That was something that I remember discussing that in person in various groups. So, I think that that would be good to have in the details.

Beyond these public comments, I'm just remembering those ad hoc comments we received a few months ago and just trying to think if there's any way either in the details for the recommendation or by adding a few more words in the recommendation itself we could improve this.

DAVID TAYLOR: Yeah. I think that's a good point. It's certainly in the report. It's not in the recommendation, per se, and it's not in the rationale related findings for 40. So, that's probably where we could certainly bring that in. That's a fair point. The survey or the results are indicative of a trend.

It's not in the specific recommendation because it's not part of the recommendation, but maybe that can be one of the reasons why we're wanting to see this at regular intervals and actually just bring that into the recommendation, per se. So, all in the rationale related findings. I think that's a good point. Bring it in there instead of just in the report. I thought it was quite clear in the report, but it doesn't come through on the recommendation.

I think the fact of it, the recommendation wasn't a recommendation – it was a recommendation to repeat it and have the evolution of over time, regardless of the quality of the response or the number of responses. The idea is, yes, we'd repeat it and I suppose [inaudible]. We're not recommending that there's more response. We're hoping that there's more responses. To me, it wasn't part of the recommendation, part of the report. But, it can be part of the recommendation.

If no other comments, then I'll make some reference to it in the recommendation, at least the indicative nature and potentially something about the low response rate so it's actually mentioned in the recommendation or the rationale. I'll do that. That works. Then I'll circulate that.

If we then go now to recommendation 41, this is the full review of the URS where we note in that recommendation that, given the PDP review which is ongoing, such review needs to take on board that the report when published, and indeed may not be necessary, if the report is substantial in its finding and if the report considers potential modifications.

When we originally put that together, that was because we weren't sure of the various speed of things. It's clear the PDP is going to be after because the URS system is being looked at now. So, I would certainly suggest a slight slant. I was going to modify that anyway.

But, if we look at this generally – and I'll pick up on that point later – we had 16 submissions again, a whopping two in support and one against, so it's very helpful. [inaudible] comments pointing out we have a majority in favor of those who commented, but it's obviously very little comment on this. Again, only one against on that [inaudible] this. We need to look there if we can … I'm trying to look here what I've got. The four SGs. That's it.

There was the point from INTA which was quite good, which I think we need to delve into because they've said that there is, from the impact study, we've got costs associated with the trademark enforcement efforts such as UDRP, URS, so we can actually bring that in. I need to look at that and see exactly where we could bring that in, if we do.

And the BC as well as the registries have basically said that this really should be something for the RPM PDP, so it should be a recommendation from the CCT Review Team that this work is done by the RPM PDP and there they're asking for us to be more specific on the overlap, which we have with the PDP.

Again, I've tried to cover that in the original recommendation with broad wording there and this is why I think we need to – certainly, Jamie, happy to get your input on this – of how we tailor this to not overlap, but ensure that it's carried out. And in effect, [inaudible] saying

basically review the URS and that review isn't being carried out by us. It's being carried out by the PDP. I think on that side of things maybe it just needs to be slightly reworded. Instead of saying noted that given the PDP review of all RPMs is ongoing, we point directly to it, and look forward to its consideration of the URS. Again, open to discussion on that, what everyone thinks.

JAMIE HEDLUND: I think that makes a lot of sense.

DAVID TAYLOR: Thanks, Jamie. Okay. So, I'll do that. I'll rejig wording to refer to the RPM PDP looking at this. The only other point on that was an IPC comment that they thought that our assumptions on the lack of popularity on URS were slightly unfair. Again, I'll have a look at that wording. Again, those assumptions weren't really meaning to be [inaudible] in saying whether it was popular or not popular. It was [inaudible]. It was just noting that relatively it's far less used than the UDRP is and the factors there which we talk about are not really surprising because it's a new kid on the block and people are getting used to it, etc. So, I think the popularity is normal, but I still feel it's something we should highlight because when we were all talking about the URS and everybody was thinking about it, there was certainly an expectation it was going to be significantly used and abused I think was the fear. In reality, it's not being heavily used at all, which just goes to point that the UDRP is still a strong mechanism and URS is the new kid on the block. I'll have a look at that and see if there's any rewording. I'm not really feeling there's a need for any

massive rewording there, but I might slant it slightly to cover that concern.

No other comments on that? I would move to recommendation 42. This is the cost-benefit analysis of the Trademark Clearinghouse and its scope where [inaudible] quantifiable information on costs and benefits associated with the present state of it to allow for an effective policy review.

Again, here we had 16 submissions, two in support and zero against, so it completes the course on this one. The comment we've got from the Registry Stakeholder Group about how we believe such a cost-benefit analysis should be undertaken and what specific value it would add to the extent of the evaluation already being undertaken by the RPM PDP Working Group.

Thoughts here? I don't know whether we should be setting out how a cost-benefit analysis should be undertaken. I think we leave that and we can come up with something. I think the fact of the lack of data is the issue, so I think the cost-benefit analysis – and we did discuss it. We decided it was something which was certainly lacking in the Trademark Clearinghouse report itself underlying that it was clearly lacking and that wasn't part of it. So, that side of things seems to be well worthwhile doing and I think RPM PDP should look into that. I think that's certainly there. But, they're working input and guidance in how we should craft this for the GNSO to be able to make this recommendation. So, I would certainly welcome any thoughts on that point.

Then, we have exactly the same point for the BC and the registries about this work being in the RPM PDP. So, we don't need to cover that again. I'll put some wording into that to mirror the recommendation 41 on that.

But, that early point there, the first point on the cost-benefit analysis, any thoughts on whether we should prescribe more or give more information on what we think should be in that? Or not.

JAMIE HEDLUND: I have nothing brilliant to add.

DAVID TAYLOR: Thanks, Jamie. Unless there's any other thought on that, I think we just leave that as it is and state that we feel the cost-benefit analysis should be carried out, but we leave it to the format for the GNSO to decide how best to do that or some such wording, and I'll put that wording in and then we can refine that when I circulate it if there's any refinement needed. So, that's pretty much me unless anyone has got any overall thoughts. I know Calvin has joined. Thanks, Calvin. [Plus one on 42].

So, we can say in our very small group of four that we are unanimous on everything, which is great. I'll do that. I'll just hand it over to Drew now. Do you want to take on anything, Drew, or follow on your DNS abuse part?

DREW BAGLEY: Thanks. The only thing we have not yet discussed with DNS abuse with this group is the recommendation that you drafted, which I'm not sure if you have had a chance to look at the public comments yet. It's [inaudible] recommendation B with the proposal about a new dispute resolution system for DNS abuse. Is that something where you've already read the public comments?

DAVID TAYLOR: No. I haven't looked at that at all. I was leaving that to you on that one, but I'm quite happy to look at it. I'll finish up on the RPMs and then I'll have a look at that. No problem.

DREW BAGLEY: Yeah. I think that you'd be best suited for that one. As it was in our own internal conversations, it was something with very polarizing opinions in support and opposing it. That's something we should discuss as a subteam how we want to proceed on that, how we might want to modify it, and then of course in the plenary figure out if in face we do not have universal unanimous consensus, then we need to figure out how we want to proceed in terms of majority opinion or not going forward with the [inaudible].

DAVID TAYLOR: Yeah. Okay. And so to the polarizing nature, that was not to be unexpected. I think that was where we did discuss that and I think it's a strength, actually, that we end up unanimous on so many. With the majority minority or whatever on something specific like that, I think it

lends a strength that we haven't just sort of blank checked everything. We are thinking about things and I think that reflects the polarizing nature of such a recommendation. I'll have a look at that. I'm sure the comments do reflect the polarizing nature.

DREW BAGLEY: Yeah. They do.

DAVID TAYLOR: I'd be very surprised if they're all in favor and all against. Put it that way.

DREW BAGLEY: I'm sorry, what was that?

DAVID TAYLOR: I said I'd be very surprised if they were all in support or all against on that recommendation.

DREW BAGLEY: Right. I just want to make a public service announcement for this group that you guys should be more like Jamie Hedlund and give me feedback on the DNS abuse chapter. There you go, Jamie. You're recognized as being the only member [inaudible] my fan club and a leader.

JAMIE HEDLUND: You didn't say whether the feedback was helpful at all, but thank you very much.

DAVID TAYLOR: I'll just underline there that was Jamie providing feedback over the weekend I noticed, which was very impressive as well. Clearly, Jamie is working 24/7 now.

DREW BAGLEY: Or Jamie has no life.

DAVID TAYLOR: Which are not [inaudible] incompatible. Do we have any other business or are we good to drop off?

UNIDENTIFIED MALE: David, just really quickly. Can you confirm [inaudible] that you will be presenting that tomorrow on the call?

DAVID TAYLOR: Presenting this, what we've just been through today to the wider group?

UNIDENTIFIED MALE: Yeah.

DAVID TAYLOR: I'll cover these same recommendations and what the group – maybe I'll send those around again. I'll just add in a very short summary at the end

of each one of what we discussed on the subteam and what we agreed on the subteam. I don't think I will be able to delve in tomorrow to do the amendments in the morning before the call to the actual recommendations in text, but that will follow.

UNIDENTIFIED MALE: Okay. Drew, based on your presentation last week, is there anything else you will be presenting tomorrow?

DREW BAGLEY: No. What I need to do is send back out the DNS chapter with the edits that people have provided to me. That's something that then we decided via e-mail to approve the modifications to recommendations A, B, and C. So, then for tomorrow's call, really what would be … David, I think, should assess whether we need to discuss recommendation D on a subteam call first or whether that's something we should just discuss in a plenary tomorrow. That's [inaudible] Jean-Baptiste where we really just need recommendation D.

Oh, and then the other thing, which this was one we discussed last week. We could vote on it via e-mail, but we need to come to a conclusion on the reseller recommendation, which there does not appear to be any disagreement of the substance of it. There appears to be disagreement about where to direct it. That's something where I need to draft an e-mail and circulate that and represent Jordan's views as well as those of us who are supporting it more so as is.

DAVID TAYLOR: It's hard for me to say with the DNS abuse recommendation D, having not read the comments yet, whether I think this is a subteam or a plenary. I'll probably need to read and discuss at least with you, if not the subteam. That would be the ideal scenario. I'll put this together tomorrow morning, so it's ahead of the call for the RPMs, so we can present this and just capture what we've done today, but I won't be able to get on tomorrow to the recommendation D, but I could certainly look at that Thursday so it lends itself. I don't mind us having a quick call.

How many of us are going to be in Puerto Rico? Are you going there, Drew?

DREW BAGLEY: Yes, I'll be there.

DAVID TAYLOR: Yeah. So, we can probably sit down on a Saturday or Sunday quickly and have a quick chat on it. Then we know where we're going on the plenary and do it on the next plenary call.

DREW BAGLEY: Yeah. That sounds like a good idea.

DAVID TAYLOR: Does that work? And I suppose, Jean-Baptist, what are the timings at the moment on this with pulling this together? Obviously, everything s

ASAP. I saw [Lorine] said if we didn't manage to get quorum today, then we'd have to have the subteams after the ICANN 61, so we don't need to do that which is good. But, I presume hopefully we'd be able to sort this out and the first plenary after the ICANN 61 meeting.

UNIDENTIFIED MALE: Correct.

DAVID TAYLOR: Okay. And where are we on all the competition side? Is everything coming together around the same time? Is that where we're looking to have everything finalized [inaudible]?

UNIDENTIFIED MALE: Yeah. On the competition side, this will be discussing on the plenary, but on Jordan's side and [inaudible] by the 9th and [inaudible] there are no major updates [inaudible] nothing too controversial. So, recommendation 5 would be presented [therefore as well] in the plenary. Recommendation 9, there were no updates shared yet, but that shouldn't take too long. [inaudible] expressed already a few remarks on how this could be done. I expect that after ICANN 61 it would be presented and approved.

DAVID TAYLOR: Okay. We'll do that then.

UNIDENTIFIED MALE:	[inaudible] make sure that there is an agenda going out with recommendation 40, 41, and 42 for tomorrow's [inaudible]. We want to hear from you, then, on recommendation D whether this should be part of a [inaudible] team or next plenary call.
DAVID TAYLOR:	With the actual text you've got there, which you've just displayed now – 40, 41, 42 – which you can redisplay tomorrow, I'll just try and add in a quick bit in bold at the end of it summarizing what we discussed today. I'll just put that together first thing in the morning and send it to you.
UNIDENTIFIED MALE:	Yeah. Or you can just reply to my agenda with your update. That would be great. It could be even faster.
DAVID TAYLOR:	Okay. I'll do that as well.
UNIDENTIFIED MALE:	So, [inaudible] for this call.
DAVID TAYLOR:	Okay.
UNIDENTIFIED MALE:	Thank you, David. Thank you, all.

JAMIE HEDLUND: Just one last thing. I have sad news for all of you. I will be on a plane tomorrow during the plenary call.

DAVID TAYLOR: So, that is our opportunity to change everything.

JAMIE HEDLUND: Exactly. Yeah.

DAVID TAYLOR: Calvin is on a plane as well, but not necessarily the same plane as Jamie. Drew was in the middle of saying something, but we couldn't hear you. Do you want to finish up, Drew?

DREW BAGLEY: No, I was just throwing Jamie.

DAVID TAYLOR: I was just giving you the opportunity to do that again because we couldn't hear you.

DREW BAGLEY: I was just talking about how tomorrow we'll come up with a brand new recommendation, not necessarily based off of anything, but we'll create an ICANN compliance code of conduct.

DAVID TAYLOR: Yeah. Recommendation E, I think that's the one, isn't it?

JAMIE HEDULND: Well, Göran will appreciate that because he's been trying to do that since I started in this new role.

DAVID TAYLOR: Okay. I will definitely cover that tomorrow, then. I will speak to you first thing, Drew, and we'll get drafting. Okay, everybody. Thank you very much and see everyone in Puerto Rico. Bye.

[END OF TRANSCRIPTION]