
RECORDED VOICE: This meeting is now being recorded.

JONATHAN ZUCK: Hey, folks. Welcome to CCT Review Team Plenary. Is there anyone besides me that is not in the Adobe room and needs to introduce themselves? Stand up and be counted.

KAREN LENTZ: Jonathan, this is Karen Lentz. I'm not on the Adobe.

JONATHAN ZUCK: Oh, hi Karen. Welcome. Is there anybody with an updated statement of interest? Great. So greetings, everyone, from Masumi, Thailand where my connection doesn't seem to be connecting, so let's dive right in. I just won't be able to see the screen particularly well, but maybe what I can do is pull up the slides myself. The first thing in the agenda is going over the success measures for the 47-48 and I'll assume the staff are putting it up and I will try to do it myself. Oh, it's coming right now. Thank you, okay great.

So if you recall, this was here on 47, there's one of Megan's original recommendations regarding deck advice and providing some structure for it, including some mechanisms to challenge assertions affect and provide some sort of a field mechanism, but it's a broadly worded recommendation aimed at the subsequent procedures working group,

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so all that was left to do, if you go to the second slide here is just to add in some success measures, so this is all different here.

In the middle of this, this recommendation stems from a more qualitative assessment by the CCRT and anecdotal feedback from applicants, consequently the measures for success will be similarly quantitative, as the next CCRT evaluates the process of gTLD application moving forward. That's for the proof of why the implementation recommendation and the structured process and template for the submission of GAC advice and the process for objection or appeal. The more frequently voiced concerns are the applicants regarding such advice will be addressed.

So this is a little bit of a chronological success measure in that [inaudible] it'll probably be successful in having been done, because it wasn't based on a particular data sense, and that said, the future CCRT will probably again poll the applicants to see what the reaction was, but I don't see hands, I'm not in Adobe Connect, but Jean-Baptiste, if there's a queue to talk about this or improvements on this, then I'm open as well for that.

JEAN-BAPTISTE DEROULEZ: There are no hands raised at this stage.

JONATHAN ZUCK: Okay. So then I guess we'll just call this a pre-thing. I'm loving our new off-dabs in methodology. So let's continue on to recommend 48. This is another sternly worded recommendation to the Subsequent Procedures

Working Group that they should really do a review of the procedures and objectives for community-based applications. We know that they've dug into this, so this is somewhat redundant in just placing our impromada on work that's already taking place in the Subsequent Procedures Working Group.

In this case, down here at the bottom, I've added some sub-ledgers because it's not clear that the Subsequent Procedures Working Group will decide the community applications are a priority or not. But, if they should deem it to be beneficial to proceed the notion of community-based applications, the measure of success will simply be a higher rate of success for such applications. That was our measure for the [inaudible] successful with the low percentage success rate of them in the past, and so a higher success rate would be a good measure if community applications go forward.

Is there anybody with their hand up, objections, any of that?

JEAN-BAPTISTE DEROULEZ: I see that Jordyn and Calvin are writing. Jordyn says, "It seems good to me." Calvin says, "No objection."

JONATHAN ZUCK: Great. Alright, let's consider this approved. Let's move on past these recommendations to talk about the comments. Jean-Baptiste, that comes to you.

JEAN-BAPTISTE DEROULEZ: Thank you, Jonathan. Over the last stage we have been working on reviewing the different public comments that were received and incorporating them into the public comment summary that I just shared before this call with all of you.

So, what you can see on screen right now is the list of all consideration groups that have sent their public comments also to share with us. Highlighted for you in bold are all the public comments, all the respondents, sorry, that submitted a public comment on the draft report. Out of these 17 public comment received, there were three public comments that were not directly in relation with what the CCT Review had published, and those are from Kevin Kumar, Aaron [inaudible] and the [inaudible] Registrar.

So moving on with that, I've prepared for you, just to give you an overview of the public comments received on metrics. Highlighting where there is support, where comments were neutral, and where there was some disagreements.

So, looking at this, you can see that overall there was support of the recommendation that I would invite you when you review the public comments to have a look at the different disagreements and you'll find out on these metrics that the strong disagreements are on the recommendation review which we will look after, which is the one about the GDPR. So, just an overview; if you have any questions, please feel free to step in.

You'll see as well that there were really not too many comments on recommendation 9. Comments were mainly received for recommendations HD, so the new [inaudible] recommendation.

Moving on, what I'm listing every time for each recommendation that was submitted for public comment is the latest version of the recommendation—

WAUDO SIGANGA: Jean-Baptiste?

JEAN-BAPTISTE DEROULEZ: Yes, Waudou?

WAUDO SIGANGA: Sorry. On the previous slide, what was the [inaudible]? What does that mean?

JEAN-BAPTISTE DEROULEZ: [CROSSTALK].

WAUDO SIGANGA: Alright, seen it. Thank you.

JEAN-BAPTISTE DEROULEZ: No problem. So moving on, for each recommendation I will be presenting the latest version of the recommendation itself. After that,

an overview of the different public comments that were received for each recommendation and supply you with an overview.

So, for recommendation 3, the one on pirating. In the previous draft report, this one was recommendation 5, and introduces C3, so you can see on the top right-hand corner that on the comments that were received, there were two in support and three are neutral. So, there were different concerns and suggestions. For example, in terms of concerns, a commenter found that additional studies on pirating aren't necessary at this time and they're an ineffective use of ICANN's shrinking resources.

Also some thought that the study should not be deferred to future review teams, since the prevalence and potential impact of governance is actually due to new gTLDs and suggestions. It was suggested through [inaudible] reference, impact studies conclusion that growing those generally [inaudible] infringement, typosquatting and related conduct. Suggestions for ICANN to take a critical approach and scrutinize the utility and validity of citizen parking with a [inaudible]. Also, one about the parking term which appears [inaudible] and should be rephrased to collect usage data [inaudible] right now is to collect parking data, which would give a future review team in ICANN the ability to [inaudible] trends in how gTLDs are used in competition and other activities.

Are there any comments or questions on that? I'll move on to the next recommendation.

Recommendation 9; In addition there were only a few comments. So, here, also in orange, those are the latest approved updates to this

recommendation. In terms of comments, as you see there was a suggestion to include and clarify in the report that [inaudible] registrations do not promote either consumer trust or competition, they are simply a [inaudible] to the DNS, the market, or the end user.

Moving on to recommendation A; this recommendation just drew for your information. We seem to have success measures to be added to this recommendation. For this one, you can have a look again. There were seven comments supporting this recommendation, four against and two neutral and three respondents are not indicated.

Here, in terms of comments, first one is that it is inequitable and sends the wrong message to real-world registries that did not implement solutions to prevent abuse, but ignoring the registries that devised and implement methods proven effective.

Another comment is if ICANN made it more financial advantages to verify and to be seen, other registries may be encouraged to adopt this model. ICANN should implement incentives measures, including registration restrictions and incentivize the adoption of such measures by current registries. And one commenter solely supported the concept of incentives in relation to all existing registry agreements, not just future agreements.

In terms of concerns, the data presented in the CTT and data report clearly do not support that fundamental priority shift to [inaudible] a state of domain abuse from [inaudible] to a more practice state.

One commenter is opposed to ending the RA's as recommended to mandate or incentivize correct anti-abuse measures, which is of a clear agreed of conduct and definition of abuse could be challenging.

And ending the registrar accreditation [inaudible] to incorporate this requirement, it's not an action that ICANN organization can take unilaterally.

And one commenter has the recommendation to clarify what type of further research is needed on privacy and proxy services used by a registrant to block their identities to reach the conclusion that the services for substantial barriers to the efficient resolution of conflict and increase the cause to consumers and trademark owners face in entering a safe and trustworthy domain name and online environment.

Any comments or questions so far?

Okay, so considering this recommendation A, so there was one commenter that did not support this recommendation and strongly called for its protection, as this is beyond ICANN scope and mission.

And in terms of suggestions, so there was suggestion for the rational and rated funding of this recommendation to take into consideration the following; 1, that is the verification of the price tag that keeps bad actors out of CTMV's. 2nd, ICANN should bring all the registries that have already implemented anti-abuse measures including registration restrictions and incentivize the introduction of such measures by current and future registries, verifying registrant eligibility prior to use of the domain name is costly, but prevents bad actors from registering domain names in the TLD and having a safe space is worth the cost to

some registries. Registries with registration restrictions general have lower of volumes of registrations, this results in a disproportionately higher per domain with ICANN.

Last two suggests were for ICANN to subsidize anti-abuse efforts in the form of discounts and the request that before suggested direction regarding negotiations and pricing is given to ICANN.org that process to be in consultation with the community database.

So recommendation B; so to consider directing ICANN org in a discussion with registrars and registry to negotiate among them to registrar documentation every month on the registry room and strength of provisions and that's preventing system issues of specific registrars for technical DNS abuse.

So here as well, this measure of this recommendation I'm missing -- there were five comments in support of this recommendation, one against, and one neutral. In terms of comments, so one commenter was opposed to any scheme in which a contracted party is guilty until proved its innocence, and strongly objects to basing business and reputation of contracted parties at the whim or misinterpretation of third party to set up feed providers.

Another recommends the fact that it's already within ICANN's remit to act against bad acting registries and registrars, the revision so call on ICANN compliance and ICANN legals to ensure ICANN is adequately enforcing its existing contracts.

There was support of the suggestion made by the CCRT to impose on registrars and their affiliate entities as resellers and use it to mitigate

technical DNS abuse whereby ICANN may suspend registrars and registry operations found to be associated with unabated, abnormal, and extremely high rates of technical abuse.

And some concerns were shared on recommendation B that recommendation would put ICANN in a position of [inaudible] to prevent the use of registrar that is accredited which will likely violate the registries' [inaudible] excess litigations and advance to force to charge the registries to do what ICANN cannot in the [inaudible] resellers.

There was also a request that further study and consultation with the currency take place to ensure that the direction given to ICANN.org testing can see and advise it's proactive and to induce measures.

Suggested also let's change it to registry and registrar agreements directly affect the productivity on the internet in innumerable ways, therefore discussions and negotiations on changing them is the business of the entire ICANN community, not just ICANN or contract parties.

And last concern was that the registrars accreditation agreement and registration agreement and registry agreements to incorporate this requirement is not an action that ICANN organization can take unilaterally.

And for those not in the other rooms, Jordyn is adding in the chat that these comments are a pretty good summary of why nothing ever happens within ICANN.

Consider recommendation B; some suggestions: recommendation could be tied to the following recommendation on data collection, such that ICANN could define by contract what could constitute prima facie evidence of an excessive level of abuse, refusing to take into account that each of the 3 key sources ICANN uses for DAAR as its own independent definition of abuse for those each contracted parties. No community defined process existed to classify as a repeat abuse record of conduct that violates this repeat abuse admission, but does not violate the relevant contracted parties [inaudible] definition.

And ICANN to openly and transparently identify how it could address these and also consult before [inaudible] upon the AAR.

Final suggestion is to follow the routine to call in ICANN compliance and ICANN legal to ensure ICANN is adequately enforcing its existing contracts.

Moving onto recommendation C, unless there are any other questions or discussion needed on this? So recommendation C, as far as our study, the relationship is for specific registrar operators, registrars and DNS abuse by commission of ongoing data collection, including but not limited to ICANN domain abuse activity reporting initiative. So on this recommendation we also are seeing a success measure; there were 9 comments in support and 1 neutral and none against the recommendation.

So in terms of comments, so there was a recommendation for committee-wide involvement in the data collection efforts implementation and they request that CCT reinforce this in their report.

On concerns; it comes from shared; so recommendation may incur additional costs if specialized expertise is needed for further study of this data and essential data sources are subscribed to.

If it's [inaudible] that it could expect to work with stakeholder groups including registry operators and registrars, develop an action plan for responding to issues and [inaudible] the data.

In terms of suggestions for recommendation C; establish a limited period of time instead of regularly publish a new recommendation.

ICANN to make this data collections efforts open, transparent and reproducible. Another commenter added that transparency into how the [inaudible] is necessary. And finally, ICANN to including a broad set of data and research efforts if DAAR falls short.

Moving on to recommendation D; on the DNS Abuse disputes resolution policies, which would be considered by the committee to give to the registry operators and registrars that are identified as having accepted levels of values.

So on this recommendation, there were 5 comments in support, 4 against, and 1 neutral. In terms of support, so one commenter mentioned that the continued discussion and consideration of the ADRP as an additional [inaudible] resolution procedures [inaudible] ICANN is not really designed to fill a gap or gaps which ICANN compliance is not addressing.

Review team to also recommend that ICANN compliance has sufficient resources to do its job rigorously and property, and registries do have

an important role to play in combating DNS abuse and any indicators that registry and existing [inaudible] are not doing enough to address DNS abuse. It should not be rational for a registrant or a registry but instead the call for more data and [inaudible] to be explored.

In terms of disagreements, so commenters suggested that programs to check the GRDP would only present for the small context, it can't expand to combat abuse and should not be considered.

There was a strong disagreement with the proposal to create a DNS abuse [inaudible] procedure [inaudible] in the report. It would require significant [inaudible] from the committee, especially considering that there is no clear definition of abuse with [inaudible].

And last one; the factual basis used to justify recommendation is missing and that begins to mitigate DNS abusers through registry/registrar relationship is not effective. And from a standpoint of schedule and of course our responsibility objectionable.

In terms of concerns and suggestions for recommendation D; consulting should support for the idea of the GDRP [inaudible]. Not a substitute for any existing disputes resolution procedure and not a substitute for ICANN compliance rigorously enforcing all the existing provisions of the new RA [inaudible] and data related to abuse.

DADRP did not achieve full consensus within the CCTRT and would further welcome discussion on 13 of the points raised by minority views. ICANN [inaudible] to fund the issue of the causal agents of DNS abuse property to collect relevant data and to consider the problems associated with DNS abuse in a more deliberate and focused fashion.

And the suggestion was to update the text on page 19 for [inaudible] registry agreements require new gTLD operators to create a [inaudible] WHOIS records for domain name registrations; that is rephrased, it was supposed to be [inaudible] as it is not clear yet what data will be collected for both thick and thin width, and what data can be displayed.

So under condition 40; so here there were 5 comments in support of this recommendation and 1 neutral. Suggestion included for CCT to add to the conclusion [inaudible] are generally considered to have been helpful in mitigating the recent stated with new detailed gTLDs that is increasingly difficult and costly for trade net orders to protect against the exponentially expanding opportunities and instances of trademarking infringement and misusing domain names.

CCT to conduct follow up studies to develop additional and important data to [inaudible] of the new gTLD program on the cost and efforts required to protect trademarks. ICANN to take steps to ensure that any studies connected are optimized so that it is meaningful and statistically significant data from a representative [inaudible]. CCT to include the Nielson disclaimer on page 5 of the INC [inaudible] impactsreport, and that is sample less than 30 are subject advised by ability.

Caution is advised when interpreting them in the introduction to the [inaudible]. Also includes analysis of statistical validity problems of the survey based on the small response rate.

And finally a recommendation for an impact study in order to assert claims the impacts of the new gTLD program on the cost and input requirement to register new domain names in a generous way to our

customers, mainly registrants understand what remedies or ways are available to them if the domain name they choose to register for the business organization or speeches is not available to them yet not registered in a gTLD, what their rights are when challenged by a trademark, things noted and responses and timing is available to them when their domain name is challenged by the UR and UDRP.

Recommendation 41; here there were two comments in support; one against the recommendation and one neutral. Concerns include costs associated with the cost of trademark enforcement efforts such as court action, UDRP and [inaudible] complaints and directions that do not involve the network serial proceeding are provided in the impact study and can be included by the CCT in their report.

Recommendation is already being followed through the work of the RPN working group, and the CCT has only provided a list of suggestions but no information as to what issues or problems led to them. It would be helpful for the RP and PDP to include a reason for each suggestion.

CCT does make assumptions about the lack of popularity of the URL as an RPN which they consider to be somehow unfair; URL does not apply to old gTLDs but only to new gTLDs when looking at the total number of URL cases when compared to UDRP cases.

The suggestion for this recommendation is for the review team to reconsider the level of prioritization of recommendation as the prerequisite status may not be necessary. And future new TLD launches would not result in domain names which might be subjective [inaudible] action for some time.

On recommendation 42; here there were 4 comments; two in support and 2 neutral. Concerns include for the review team to provide additional detail about what beliefs that you have benefit and actions should be undertaken and what specific value it would have to the extensive evaluation of the TNTH already being undertaken by the RTN working group.

Review team to consider balancing the benefits of such an analysis with the time and resources required to undertake it.

And there were two suggestions; so one comment invited the review team to include that that trademark orders are incurring substantial costs to the result of the new gTLD program, solely to protect their trademarks and the public's ability to trace the accuracy of domain names to refer them to [inaudible] to the trademarkscontent on the domain names. And the second one; to transfer the recommendations to the RTM committees.

On the recommendation 5 that was in the appendix of the new section of the draft report, so here there were 3 respondents who all expressed support of this recommendation.

And that's it for the summary of comments received. So are there any questions or comments or any discussion that you would like to have now? We can move with the next steps?

JONATHAN ZUCK:

Well, that is substantive comments so it's going to require a little bit of going through before I'd even know what questions I want to ask, but

thanks a lot again for creating this document as a kind of an index and the comments for the [inaudible]

JEAN-BAPTISTE DEROULEZ: So, we can move on to...Okay, Jonathan, moving on with the next steps, so yes, Wuado, go ahead please.

WUADO SIGANGA: Before we go to the next steps, these public comments; we don't know, we are going to see how we are going to incorporate them into the frame report. I think we need to look at each of the again submissions as well as the concerns [inaudible] one by one and see how to incorporate them into this plenary report.

JONATHAN ZUCK: No, this is just step one; that's definitely the next step is for the claim holders, to go back at those and look at those comments and see what changes, and then post to the group and then accept those changes as a group.

WUADO SIGANGA: Okay, thank you.

JONATHAN ZUCK: Sure.

JEAN-BAPTISTE DEROULEZ: Thank you, Wuado, thank you, Jonathan. Yes, so Wuado, so here on screen you have the next steps and the suggested approach to move forward on this. So you all have received just before the plenary call started, so the public comments summary that was built based on the different comments we received during the public comment period, and so we have reviewed the description of the first plenary call but so here you have a summary of the public comments submitted by respondents, by commenter, and after under each recommendation tab you can find all the different public comments listed for each commenter.

And on top of each tab, you have a summary of all the public comments received, and this is of course what I've been presenting today. So from today to the 21st of February, so all, the review team is invited to read and review the different public comments, and the new sessions of penholders will be asked to, will be invited to update their respective sections as appropriate for releasing approval, so that would follow the same net ability than the one that was done for recommendations on the job report, so the penholder would look at the different public comments received, input that in the presentation to the review team, work on it, and submit both on the plenary call and if possible, I don't like to leave a few days before somebody goes to review the updates.

So what would be ideal for now, so the deadline to publish the public comments summary that we shared with you ahead of this call is the 8th of February, so by the 5th of February total business, we would ask each penholder to identify action items to their assigned recommendation, and action items published, the current action items is appearing on each recommendation tab, and so if the penholder from reading the public comments use a potential action item for the review team to take

on, you should flag that, and the review team will review each action item on the plenary call next Wednesday.

So once the action items will be approved and added to the public commentary, then on the 8th of February we will be able to publish that on the public comments page, and after that so the penholders will have more time to look at the different public comments received and update their section, so at this stage we estimate 3 plenary calls, maybe for the discussions, but the idea is that in march we'll be in a position to incorporate your latest updates and to provide you with a version of the planery report so that you can review that and approve the plenary report to be sent to the board.

And for the original -- .thanks Jonathan -- so for those, I had to reconnect. So there are comments from Calvin; *my own view is say the condition D, we simply don't have the language accepted as the supporters and neutrals and recommendation will require a little more depth on the account of the ID's of the naysayers, the registries, crowd, and for me is that where concerns are listed, the originators also identified in your summary.* Well Calvin, if you look within the public comment summary itself, you will easily identify which comments were assimilated based on whether they support, they are neutral, or they disagree.

Any other questions or comments?

JONATHAN ZUCK:

Thanks for going through all that, Jean-Baptiste.

JEAN-BAPTISTE DEROULEZ: You're welcome but it's the review team that did all the work.

JONATHAN ZUCK: Well maybe you could do that part too? And I know I've spoken about this directly but I just wanted to remind you and then tell everyone; I will be out of pocket next week.

JEAN-BAPTISTE DEROULEZ: Okay. So if you could, I mean, if you could just before next Monday to look into the action items for recommendation A2, D, and 5, and flag anything into the [inaudible – 00:40:24] that would be great.

JONATHAN ZUCK: Okay, will do.

JEAN-BAPTISTE DEROULEZ: Okay, any other questions on the approach here? If not, so just one tiny reminder that recommendation training requests are submitted by accounting, one week ago was approved I think there were no comments, and so since the success measures were approved, we are only expecting a date on recommendation 11 from the draft report, and I believe the update will be over for the draft report, and we continue with the new sections of it for now. Jonathan, I hand it over to you.

JONATHAN ZUCK: Thanks, Jean-Baptiste. So we have our work cut out for us. You know who you are if you were a drafter of one of the new sections, then go through and figure out what it is that needs to be done and then we'll obviously see to get it done, but as Jean-Baptiste said, I think we've just about made it through the draft report and just have the new sections to do, so we're on the final stretch here and let's just see if we can push through and send a final report out.

Is there any other business? I can't see if anybody has their hand up, Jean-Baptiste, so just tell me.

JEAN-BAPTISTE DERUELEZ: No hands, Jonathan.

JONATHAN ZUCK: Okay, well once again thanks to staff for going through to make the first draft of these public comments, they're actually more substantive than I expected them to be. So despite Jordyn's condemnation which I somewhat agree with, but let's get through them and wrap this up. Thanks everyone and I will see you all on the plenary call next Wednesday.

[END TRANSCRIPTION]