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UNKNOWN SPEAKER: This meeting is now being recorded.

UNKNOWN SPEAKER: OK Jonathan, [inaudible].

JONATHAN ZUCK: Hey folks, this is Jonathan, sorry for the delay. Adobe Connect, doesn't want to connect, so. I guess we are already recording.

UNKNOWN SPEAKER: Jonathan, no we are not. Since you don't see Adobe room, we have David, Drew, Jordyn, and Waudo currently in Adobe Connect, just to let you know if we want to start recording now. We have apologies from Calvin, Jamie, [inaudible].

JONATHAN ZUCK: OK. Well we should probably just go ahead and get started. [inaudible], meanwhile, is there anyone else that's on the phone but not in Adobe Connect? Is there anyone with an updated statement of interest? Alright, why don't we get started. I don't have the agenda in front of me, but I know one of the things Jordyn is talking about parking, so why don't we hand the microphone to Jordyn.

JORDYN BUCHANAN: That's the first item. Alright, hopefully... Jean-Baptiste has his hand up.

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, just a quick question, would you like to project your version or the on that Laureen has shared with comments?

JORDYN BUCHANAN: Either way, well Laureen is not here, so why don't we start with my version.

JEAN-BAPTISTE DEROULEZ: OK, thank you.

JORDYN BUCHANAN: OK. So, just for context for everyone, only a few public comments that actually touched on the parking section. There were comments by INTA, ALAC, and IPC, that were supportive of the recommendations to gather more data, and actually John McCormick also posted something saying we did in fact need to do more study, along with a large number of other suggestions and indications about how we didn't know what we were talking about. But, I think generally supportive of the idea of ICANN doing more study on this topic. The IPC said that we probably shouldn't wait until the next CCT review in order to do this. In addition, the registry stakeholder group opposed the recommendation, basically saying you have a bunch of hypothesis but no particular reason why we should believe any of them, and therefore this is probably not worth ICANNs limited resources. But, don't really provide strong rationale as to why studying the topic more would be bad. I'm not 100% sure how to think about the role of CCT with regards to limited resources by ICANN. I

think that's something the community will have to take up in the budgeting process and in community feedback to ICANN about prioritization, but I don't think probably we should have that drive our model for what we think is important to study. Based on that, I've left the recommendation largely intact, but I've tried to onboard some of the feedback that we received from the comments, so... Jean-Baptiste is my scroll controlling what everyone else sees?

JEAN-BAPTISTE DEROULEZ: No, everyone can navigate through the document themselves, but I can change that if you wish?

JORDYN BUCHANAN: Maybe that would be useful just to walk through the changes.

JEAN-BAPTISTE DEROULEZ: Sure, let me put you as the presenter, there you go.

JORDYN BUCHANAN: Great. So, if we see here on page 2, you'll see the first of the edits is in this first paragraph. John McCormick had pointed out that in some cases parking represents a sort of large promotional effort on behalf of the TLDs, I think it's actually somewhat reflected in the NTLD stats, which has a particular category on promotional pages by registries, but it does make sense to call out specifically. We had already alluded to this in the language that Jonathan had put together, in calling out the fact that if there's a big difference between like the initial registration price and the

renewal price, that may have a big impact on renewal rates, but here we just call out more specifically and say sometimes when you see a bunch of parked domains, that's because the registry basically gave away a bunch of domains and then go on with the observation that, that may result in lower renewal rates in the future. That seems like a logical fact, and we may actually even want to footnote this, I may try to take a look, but for example XYZ gave away a bunch of, something's very early on in the program through network solutions and essentially none of those domains renewed. That might be a good evidentiary piece that we could mention in the footnote here. The next edit you will see is this new paragraph that's inserted about two thirds of the way down the page, this is in response to an INTA comment. Which basically said, hey you guys should point out that part of the parking phenomenon is the fact that trademark holders are forced to register these names and don't really want to, and then they just park them. I think that is born out by both observation and INTA survey, so I do make that point in this paragraph. However, we have studied this in the consumer choice section, so I allude mostly to that, say this is discussed elsewhere, and also make the point that the defensive trademark registrations, based on our analysis represent a very small fraction of the overall registration pool. So, that particular phenomena is probably not material to understanding the competition dynamics. Waudo, your hand is up.

WAUDO SIGANGA: Yeah. If we can just go back to the previous [inaudible], this I see about discussion, to give the thing that you're talking about it, you said there was a spike in the parked domains, which came about because of this counted [inaudible].

JORDYN BUCHANAN: So, John McCormick had suggested that sometimes large sites and parked domains would be correlated to discounts, yeah.

WAUDO SIGANGA: What I am thinking is, [inaudible] the promotions is [inaudible] for competition, isn't it? [inaudible]. So, for me perhaps, make a conclusion that the instance is where the number of parked domains could actually be [inaudible] enhanced competition in [inaudible] this kind of scenario.

JORDYN BUCHANAN: That's a fair point Waudo, I think there's some... there's definitely consumer [inaudible]. I think we can add some language. There may already be some language around that but we can make it clear. I think what we're trying to get at here Waudo is not necessarily saying that discounting is bad, or that promotions are bad, but just that.

WAUDO SIGANGA: Not that, [inaudible] discounting the, what do you call them, the registries, discounting the sort of price of the... of registration and that is because they are trying to compete. So if that discounting is leading to talking, then if you do that relationship, to some extent then the parking is [inaudible] more competition going on, there is more discounting going on. [inaudible] can put it in the writing here. Not that the discounting is bad, just that it is indicating that the registries are competing.

JORDYN BUCHANAN: I think, I guess I am trying to say [inaudible]. I think we want to make two parallel points here, one is, I think you're right that discounting and promotions are good evidence of competition, and that is worth noting. But at the same time, it is also possible and I would say even likely, there's some observed evidence that indicates that it is true, that a lot of these discounted domains, if the renewal price is higher than the initial discount price, are not going to renew. In some cases you see a very high number of registrations, so in the case of the initial XYZ promotion I was talking about, I think it was millions of domains were registered, certainly hundreds of thousands, and almost none of them renewed. If you looked at the market share numbers, it might give you a somewhat misleading impressions because XYZ is just giving a bunch of names to people who didn't really want them and they didn't renew, so you might not be fair to treat those the same as domains that people have bought through the purposes of competition analysis. So, I think we can make both points, I think we don't have... I think the conclusion we come to is that we don't have a way to interpret the parking data such that we can come to strong conclusions about effects on competition. I think you're right that we can point out that it's evidence of competition, but we also want to make this kind of revealing point that these names may not renew at the same rate as non discounted domains do. OK. Thanks Waudo. So, moving back to the comment about trademark holders, just once again we just call out the fact that some of the parking is by trademark holders and they don't really want to do that, it's not material for the competition analysis i think, but there is a whole section on this in the consumer choice section of the report. OK,

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not seeing any questions about that, move onto the next edit. Go ahead Waudo.

WAUDO SIGANGA: Yeah... why were we. This part above the [inaudible], I think that we should put some footnote somewhere, we talk about [inaudible] in most cases trademark holders register domains in order.... [inaudible] I think should be a footnote somewhere. I know we've mentioned it in this study, but I think we need to put a footnote to mention this specific part of that report.

JORDYN BUCHANAN: That makes sense Waudo, we can citation here for that.

WAUDO SIGANGA: Yeah.

JORDYN BUCHANAN: Alright, thanks. Moving on, I didn't make any edits to section 1.2 on geographic differences in parking behavior. John McCormick pointed out in his public comment that we were focusing on [inaudible] but Chinese people register domains in other TLDs as well. That's true, we knew that already and as we know in the paper, the second paragraph here, although the review team did not have the ability to directly correlate registrant addresses, we looked at these Chinese TLDs, so hopefully everyone was aware of that already, that we were using the proxy that we had available as opposed to the best possible data. 1.3

the relationship between parking and the DNS abuse, also no changes to that. Then moving to section 1.4 there were some minor edits to the recommendation section. The first of these is John McCormick suggested that instead of calling it parking, we talk about domain usage, which seems fine to me and I agree that it's quite ambiguous that when we talk about parking, we're using a definition here that's quite expansive and may not match what other people think of as parking, and different portions... different types of behavior that we're lumping together as parking likely have different effects on competition dynamics. As opposed to saying, let's just study parking, we're saying collect domain usage data. I do say it's a better understanding of implications of parked domains, because otherwise people may misinterpret what this domain usage phrase means and want to look at other ways, content or something like that, which wouldn't be part of ICANNs mission. I explain that at the start of the detail section as well, why we're using the term usage. Then, John McCormick also points out that it's better to study individual domains and the effects of the usage or parking of that individual domain versus looking at it a TLD in aggregate. I agree with that, we would have liked to have that data available as well this time, and so we point out that ideally the data would allow us to do analysis on a per domain basis. The last edit I make it as the very end here, which basically says to reflect the feedback from the IPC that we might not want to wait until the next CCT review. I sort of say, the community might also want to look at this issue on its own, independent of the CCT review process, especially since this is a common, as our data shows, parking is quite common, legacy gTLDs as well. This is definitely not something limited to new gTLDs and it doesn't seem like the community has ever studied this issue meaningfully

before, so I think that's an option for the community to take up. I think our mandate is limited to looking at the new gTLD process in particular, but if the broader community wanted to look at this issues holistically, I think that would make sense. That's it, in terms of the edits to the parking section. I just wanted to check if there was any questions or comments, I see Laureen has joined the call, she had made a couple of other suggestions that haven't been incorporated here but we can do that offline and revise that along with Waudo's suggestions over the next week, before the next plenary discussion. Any other questions or comments about this section? I guess next week we're not going to talk to [inaudible], whenever we talk again. Sorry, go ahead Jean-Baptiste.

JEAN-BAPTISTE DEROULEZ: I was just saying thank you, I was going to move on. Thank you for the edits to the parking paper. David Taylor next on our agenda.

DAVID TAYLOR: Yes, correct. Hi Jonathan, hi everybody, can you hear me OK?

JORDYN BUCHANAN: Yeah.

DAVID TAYLOR: Super, OK. Recommendations 40, 41, and 42, so we discussed that on our safeguard subgroup yesterday and I went through the comments which we've received on 40, 41, and 42. Everybody has got a copy of the comments there which have been summarized obviously, I did this note

you can see here on the recommendations here were around, basically the comments which we had. We did that on the sub team so, don't really want to go through these again now, the wider group can do so, to let you know where we ended up on that, perhaps, is that we discussed that there was basically broad support for recommendations 40, 41, and 42, and with those on the call, which was a small group of the subgroup, over half anyway. But, we agreed unanimously amongst us that we would go with the suggestions which we discussed and effectively those were for recommendation 40. We were fine with it, we wanted to add in a little bit more context to the rationale concerning the sample size of the IATA study, how the data is an indication of a trend rather than a trend itself, it was that issue, which has been brought up to one of the comments. Nobody is against it, of the 16 submissions, 5 were in support, 0 against it, but that was a comment that came through from the NCSG. It is in the paper itself, but it is not in the recommendation, so that's what we discussed, OK, let's put something in the recommendation. That's going to be a few words added in there. That was the impact study, so I should say as well for 40, you can see that on the screen. For recommendation 41 and 42, which is the URS and the trademark clearing house, the thing there is a [inaudible] has gone on since we made those draft recommendations, and what the PDP review of RPMs which is reviewing both the URS and the trademark clearing house in detail and it's ongoing, so there was a couple of comments in there, the business constituency, the registry stakeholders group was saying that this... how did this fit in, basically with the RPM working group in our initial understanding.

UNKNOWN SPEAKER: [inaudible].

JEAN-BAPTISTE DEROULEZ: OK, we lost David, so maybe that's give a few minutes to rejoin.

UNKNOWN SPEAKER: It's not just me that tries to [inaudible] David from talking.

JEAN-BAPTISTE DEROULEZ: No, he has lost the connection so he has to reconnect. He lost his audio as well. Hey [inaudible], maybe we should move to the next topic.

JONATHAN ZUCK: Yeah, let's do it. What is next?

JEAN-BAPTISTE DEROULEZ: We have Jordyn again with the [inaudible].

JONATHAN ZUCK: OK Jordyn, you [inaudible].

LAUREEN KAPIN: This is Laureen, I would strongly prefer to discuss this when I've actually had a chance to look at it. I haven't, so I don't feel comfortable, and neither has the review team for that matter. I really think we should postpone this until people have actually had a chance to review it.

JEAN-BAPTISTE DEROULEZ: OK, and we have David back in the room now. David can you talk and hear us?

DAVID TAYLOR: I can, can you hear me?

LAUREEN KAPIN: Can you talk a little louder David?

DAVID TAYLOR: I'm fairly loud, normally could hear me well yesterday on the call. I went through everything there and then stopped and said does anybody have any comments, and there was complete silence, so I figured at some point I was kicked off. I don't know what you heard or where it kicked me off.

JONATHAN ZUCK: You were mid sentence.

DAVID TAYLOR: Which sentence?

JONATHAN ZUCK: I don't know, I'm trying to remember.

DAVID TAYLOR: I was just carrying on and then as I said, has anybody got any comments? Then I said, oh, well I guess not then [inaudible]. Yes?

UNKNOWN SPEAKER: I have comments on recommendation 40.

DAVID TAYLOR: I am not following this, maybe I've got a bad connection, or...

JONATHAN ZUCK: Can you not hear Waudo, David?

DAVID TAYLOR: I can hear Waudo saying something, but I don't know what he said. I heard recommendation 42, I didn't hear anything else then.

WAUDO SIGANGA: [inaudible].

DAVID TAYLOR: That's not me, I might be on and off, but I've got no music playing.

JONATHAN ZUCK: Waudo, are you back?

WAUDO SIGANGA: Alright sorry, I wanted to ask you something about recommendation 40, you can now hear me?

DAVID TAYLOR: Yes.

WAUDO SIGANGA: You can hear me now?

DAVID TAYLOR: Yes.

WAUDO SIGANGA: You are very [inaudible] impact study was actually done by [inaudible]. So the way we done this recommendation here, we're writing it to ICANN Org, so is there a suggestion that it should be done differently next time, not by INTA, but by another regiment of ICANN. That is question number one. Then question number two, in case it's going to be done by INTA, then how do you see us fitting in [inaudible], where by ICANN suggesting that there should be an attachment of abuse by trademark owners. I don't think INTA will be interested in doing that. Those are the two questions, first of all, what is the difference here and if it's going to done by INTA? How you plan to fit in your final suggestions in [inaudible]?

DAVID TAYLOR:	Good questions Waudo, we discussed those previously as well, not those last points but the first point. I don't know how it's going to work out with that because we've got INTA willing to fund the study and use nielson, we had this discussion beginning of this, whether ICANN will fund it. At the end of the day it seems like we'll have two entities willing to fund and they have to discuss with each other who funds and who pays what, but I can't really define as to who should be paying for it. If it's going to INTA members, then you know, INTA needs to talk and liaise with ICANN and decide who is willing to pay for it, and who wants to pay for it. I know INTA are saying they are willing and happy to pay for it going forward, and to repeat the study, so we'll have to see whether ICANN's budget will step up to paying for some of that or all of that, and I don't really know. I'm open to whatever anybody thinks, they should be doing, but I don't think we can necessarily say that and say who should pay for it. On the second point there about that very good point, whether trademark owners are abusive. I think that would be a separate study, I agree, INTA wouldn't be looking and having people respond as to whether or not they feel they're abusive because I think it would be likely to be very few. That could certainly be independent and somebody could be looking and seeing how many abusive trademark complaints are brought out of all the trademark complaints that are brought, and that could be something quite separate, and you know perhaps nielson could look at that as a separate point and add that in. That side of things is really my [inaudible] there was whether we try and bring those in, there are no comments on them on this comment phase, so there's no public request for those to be put in, it's something which when I was going through my notes and comparing, it was something that I saw we talked about previously, so I was wondering whether we

bring those into the final report, which I am open to and quite happy to do if we think it's a good idea. Did everyone hear me, or did I get cut off again?

JONATHAN ZUCK: You're still broadcasting.

DAVID TAYLOR: I am still here OK. Suddenly the silence made me think it happened again.

JONATHAN ZUCK: Yeah. Does anybody else have questions... go ahead.

DAVID TAYLOR: I was just wondering whether you heard what I said. Was it just, originally did you just hear what I was saying about recommendation 40, or did you hear what I said about 41 and 42, when I was talking being cut off.

JONATHAN ZUCK: I think we just heard 40 David.

DAVID TAYLOR: OK, any comments on 40? I am happy to take them. I will go onto 41 and 42 then, basically on those, since our initial draft recommendation we've got the PDP review group of all RPMs and all gTLDs has been

ongoing and they're reviewing as you know the URS and the clearing house in detail. So, a couple of comments which are coming through, which I thought helpful from the public comments is really the liaison or the link between what we are suggesting and what we are recommending, and what the PDP is already doing, which is a thing we grappled with at the beginning. I think now is the time to sort of take those on board with them more, and saying change the wording of these but not the substance at all, instead of where we're saying we're looking, especially in the rationale of both these recommendations, we're saying we're looking towards the PDP and depending what they do, etc. But I think we can be a little bit more precise and say given that this is ongoing we recommend that this recommendation be transferred into the work of that group and state that provided this PDP RPM has sufficient data to enable us to draw conclusions, then we don't consider an additional review is necessary. I think we can be more precise and build that in, and have the PDP working group look at that. Again, open to those, those are the only amendments we do on that. What I did say as well when I was cut off, was that the... this sheet here that you've got is circulated amongst the subgroup, I am happy to circulate amongst the plenary group as well for any other comments, and I was going to wait for any other comments from any of the sub team, and then based on that I'll firm up some recommendation amendments and circulate those, and then go into the text so I could do that probably tomorrow, if need be, if everybody comments through the end of today, I will go ahead and amend the recommendations and circulate those.

JONATHAN ZUCK: Thanks David, questions from anyone?

JORDYN BUCHANAN: Hey Jonathan, I guess you can't see the hands so, I'll just jump in it's Jordyn. David, I guess my take on this is roughly, that this recommendation is basically obsolete at this point.

DAVID TAYLOR: 41 or 42 or both?

JORDYN BUCHANAN: 42... I would say both. 42 for sure, 42 is definitely been done, we may or may not think that it was like the best analysis, but I do think the analysis group did the best they could given the data that was available, and I see no reason to believe that a follow up study will have any better data available to them, so it would be sort of like bashing your head against the wall to try to redo it. 41, you know, I think the PDP is... it seems to fall squarely in the scope of what the PDP is doing, so don't see any reason why we need to separately recommend it at this point. We put these things before, to say that these things are important we should make sure they're going to happen, and if they don't it's good to have them on the record. I think at this point we sort of know they are going to happen, like ones happened, the other one is happening. So, I would just say we remove these and say that was already done between when we published our initial report and when we get to the final report.

DAVID TAYLOR: Perhaps, if we do that then we ignore all the public comments that support putting them in. With zero against, we've got no comments saying to take these out.

JORDYN BUCHANAN: That's not true as 41 right?

DAVID TAYLOR: 41 has got, yeah there's one against, sorry yes, correct, 41 has one against and two supporting, that's minimal.

JORDYN BUCHANAN: So, the BC says, you should do this, we should transfer to RPM PDP as [inaudible] already done. The outcome that is suggested by the BC.

DAVID TAYLOR: Not 41.

JORDYN BUCHANAN: Are you saying that...

DAVID TAYLOR: That's ongoing.

JORDYN BUCHANAN: As the [inaudible] has already agreed that they are going to do this, there is no reason for us, at this point tell them they should do this, right. It is already in their scope of work for that PDP.

DAVID TAYLOR: Yes. You could say that it's in their scope of work, but my point on that was to make sure that for 41, I'll come back to 42, but for 41 we're basically would be saying that provided this PDP review has sufficient data then we don't consider an initial review as necessary. I would argue there that our recommendation is yes, as long as you do it, you do it right and you've got sufficient data, then we're happy, it's good. But, if you end up with another thing saying there's not sufficient data, we just don't know, it's too early. Then I think an additional review would then be necessary at a later date, but then I think our recommendation stands so yes, it's in their ballpark and that's why I want to change the recommendation to specifically say that given that they're looking at it, we're OK, that's fine, but provided it's got sufficient data and I think that's where I would come back on recommendation 42, which is the one that doesn't [inaudible] anyone against in the comments which are to include that. There was some discussion about whether or not, and again we discussed this on the call at length yesterday about the cost benefit analysis, what we're saying there is that there should be a cost benefit analysis, that may be debatable and that's what we think, and when we looked at the trademark clearing house analysis review, they said we can't draw firm conclusions as we haven't got sufficient data. Our point here has been, well we need sufficient data, it hasn't got it, now the PDP working group has reviewed the trademark clearinghouse and still doesn't have sufficient data then we just keep reinventing the

wheel rather than getting hold of that data. I do think we should have a cost benefit analysis, and that's something certainly which everybody has agreed. You could take it out, but we're changing it quite considerably, I think.

JORDYN BUCHANAN: I think at this point it's basically like if someone says a recommendation saying like, you guys should do a study on parking, like you guys should understanding parking, and we'll say like, OK [inaudible], you should do a better job. They're doing the best that they can, it's just not that helpful for us to be like, you did a suck job, do it again, because no one is doing a bad job because they don't want to do a good job, it's just the data is in fact not... like the reason why the [inaudible] the cost benefit analysis, is because like there simply, there is no way to obtain the data in order to do a cost benefit analysis. So, we can complain they didn't do a good enough job, but going and doing the same thing again, there's no reason to believe that they're going to get better data the second time around, because it's like, what is the number of registrations through the claims process that fall out, like registries or registrants either don't collect that data or aren't going to share it. So, that's not going to change the second time around, it just seems like trying to like second guess other groups that have basically said, they have already... this work is done, [inaudible] review was done, they tried to do a cost benefit analysis, they couldn't, and for us to be like, you have to. Just doesn't seem helpful at all, anymore than people telling us all the parts of our report that we weren't able to do, they just came back and said, well you guys like should do it anyway. it doesn't help, it's not going to fix the problem.

DAVID TAYLOR: I can certainly see that, but...

LAUREEN KAPIN: This is Laureen if I can jump in also...

DAVID TAYLOR: Go ahead.

LAUREEN KAPIN: I am going to jump in as I'm not able to see any hands as I'm only on the phone. I'm also not able to see the recommendation itself, but what I hear, Jordyn's point is that we're not being helpful by telling them to do the same thing over again and hope that we'll have a different result. I am wondering if there is a way David, to make our suggestion something that would be constructive and could perhaps point them in a direction that would be more likely to yield a more useful result.

DAVID TAYLOR: Yeah, I am thinking. I didn't realize, so that's my bad if I didn't realize they had done a cost benefit analysis. So, I didn't see any comment on our recommendation, I am a little bit blind on that.

JORDYN BUCHANAN: They didn't, they wanted to but they couldn't get the... our report, there are a bunch of places where we say like, we tried to do this but we

couldn't, because there was no data. That's the same thing with the [inaudible]. The TNCH review is quite well done given what they had available to them, but there's no new... they tried to understand the costs of the TNCH in terms of like, costs of registries and registrars, costs to registrars, and they really struggled to get that data in a meaningful way.

DAVID TAYLOR: Maybe that's where we need to go on that, and to be lamenting that against the lack of data, it seems that we all get strung up with no data and I don't know what we're doing for two years [inaudible].

JORDYN BUCHANAN: [inaudible] another CCT review said like, you guys didn't have enough data about pricing, like therefore your report wasn't complete. We'd be like duh, we know that too we wrote that in the report. How is that helpful to tell us that we did a bad job because we didn't have pricing data.

DAVID TAYLOR: We're not saying they...

JONATHAN ZUCK: Shall we take this opportunity to... shall we take this opportunity to give a fresh example of the problem with data, and point people back to our data related recommendations? [inaudible] another data point for our recommendations, rather than a recommendation of itself.

JORDYN BUCHANAN: In some cases that may make a little bit of sense, but like, the reason why the TNCH didn't have data is I think fundamentally is unobtainable. [inaudible] understand the effects of like the claims service on whether it scares off registrants, like legitimate registrants registering legitimate names that are not trademark violations. In order to understand that, you basically have to look at like, transactional, like step by step flow data for registrars, to see like, who was presented with the screen, what was their behavior afterwards, and even more, you'd have to know did they have a bad intent or did they have a good intent. That's like almost unstudiable, right like, and I think it's going to be really hard to ever draw [inaudible], when Stan was around he would talk about, these are good projects for like, his PHD students. Sure, like maybe there is a project, but like, someone could do like seminal exercise and like in coming up with a really crafty methodology for like getting at some of these problems. But it's like super non obvious how you would solve some of these problems, the URS, like the reason why there's not URS data is because there's hardly any URS cases, right like how do you fix that? There's nothing to go off of.

DAVID TAYLOR: There is data to go off the URS, because there has been complaints filed and we've got data and it's been looked at and it's been heavily discussed. So, we've got data and unless they [inaudible], it's earlier so.

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JORDYN BUCHANAN: Yeah, I guess like, if you would have done the URS study earlier, I think part of the reason why the RPM PDP puts this later is because like, early it was too early right. There wouldn't be any data,

DAVID TAYLOR: We've got the data, there is data in our reports on the URS and numbers filed etc, so there is data there, and there's more data [inaudible].

JORDYN BUCHANAN: I guess I'm just saying... [inaudible] conclusion of like, oh, there's only N cases and it's not significant enough to like, figure anything out. That would just be true, like that's just a statement about the status, not a failure of the team. In guess in both these cases like, the spend a good... in the case of 42, there is a good base effort by the reviewer of the TMCH to try to solve this problem, and in the case of 41 there is a commitment by a PDP to solve this problem. I just don't understand what the benefit of doing... saying like you should do these things, when in one case, A, it's already been attempted and one case it's committed to. I don't understand how that's a helpful outcome from the CCT review.

DAVID TAYLOR: I certainly hear what you're saying, I mean, it would have taken too long to do our job so our initial recommendations which have been made have already been taken on board by the PDP so we now withdraw these recommendations, effectively. There is no need to recommend [inaudible]...

JORDYN BUCHANAN: Our draft report was successful.

DAVID TAYLOR: Yeah, I'd go... and that was wanting it to firm up the 41 and 42, and as I mention there specifically say that given this is ongoing and since our initial draft recommendation, this is ongoing so we specifically saying we don't consider an additional review is necessary, so we're just coming full circle and saying good, and you're on it, and as long as you come out and you say that you've got sufficient data then there's no need for an additional review. Again if everyone comes out saying, there's this lack of data we can't decide anything, then I think our recommendations do stand because we're saying we have to get it this state, and [inaudible], we could certainly get URS data, so again if somebody came and said there's insufficient data, well how do we go about collecting this and how do we collect it in a better manner and that just comes to our [inaudible] problem. I suppose my opinion is that they should stay in there but clearly the recommendation is not recommending an additional review nor it is criticizing the ongoing review, it is saying, you know, that there's no need to do a further review, it's not necessary if we've done the best job we can with those reviews, the PDPs.

JORDYN BUCHANAN: I mean, I guess like I am not going to like have a huge fight over this, it's just like seems, like I think there's a bunch of places where we either consolidated or removed recommendations that seemed like they were

unnecessary at this point, or that were duplicative, and these just seem duplicative of why it's already happened in the intervening year.

DAVID TAYLOR: Anyone else, thoughts?

JORDYN BUCHANAN: [inaudible] essentially, right, like put in our notes, we removed these recommendations because it's already done, good job ICANN.

DAVID TAYLOR: Go on Jonathan.

JONATHAN ZUCK: I mean I certainly see the logic of Jordyn's perspective on this and without something to break the data problem, it's not something new to recommend happening. I mean, I think putting a positive spin on this and declaring success is probably a good notion. [inaudible] committed to maybe feels like, hey maybe we're adding [inaudible] something that planned to happen that would help keep this from getting shelved or something like that. Certainly something that's already been done, there's not much else to recommend.

JORDYN BUCHANAN: Like I said, it's not a huge deal. In 41 we want to say like, we know that RPM PDP is already doing this, we think it's great. That's fine I guess, it just seems like kind of a weird recommendation. I'm not really going to

stand in the way of it, it just seems kind of redundant. Like it seems like our report, our recommendations will have more weight if there's fewer of them and they seem sort of more compelling, in my opinion, other people may disagree. So to the extent that we can take out things that like aren't going to be significant value add to the community, I think that's a benefit. Other people may disagree and think we want to recommend as much as possible so stuff doesn't get lost, that's a valid viewpoint as well, but that's what I think.

DAVID TAYLOR: I like that idea of saying, we could say recommendation 42 for instance, complete. So this was our recommendation in the draft reports and given the time that it's been completed and transferred to the PDPR review. So as such, I don't know how we do that. Either we just get rid of it, or we reword it, or we actually say that and as you rightly say, take it as a success, this is an early recommendation, 2 years ago, and in the meantime it's been done.

JONATHAN ZUCK: I think that makes sense, and Jordyn I certainly agree with you in principle, the few is better, more impactful is better, and if I would add to that the imply to this discussion is minimizing the number of recommendations that will lead to implementation questions for which we have no answers. Truly throwing something over the [inaudible] without any sense of how it will be accomplished. I think that's a good [inaudible] on recommendation as well. I like the idea of taking credit, rather than just having the same [inaudible].

DAVID TAYLOR: OK well, I will try and put some taking credit wording into them and maybe put a square bracket saying recommendation deemed complete, and then we can somehow, not have them dropped, have them sit there but no longer need to be implemented. Implementation considered complete.

JONATHAN ZUCK: That makes sense.

DAVID TAYLOR: It does. Does everyone agree with that on the cost benefit analysis, because there was some questions or some thoughts on the public comments about trying to direct the GNSO as to how it could be looking at this in more detail and obviously that ties into what Jordyn rightly points out there's this difficulty in doing a cost benefit analysis, to my mind it was indicative there the lack of data so we should push and say well this needs to be looked at and this is an ongoing thing, so here's our recommendation, we;ve got to figure this out, how to get more data generally and here's another example. Or do we just want to pull back off that, and drop the request for a cost benefit analysis?

JORDYN BUCHANAN: Hi David, I confess that I haven't looked at the public comments on this, I've read the TNCH review but I haven't seen the comments. I will take a look at the comments and see if, it seems like there's useful stuff that

we can channel here. I am reluctant to just sort of say the TNCH review happened and we didn't like the work product, so, we'll do it again.

DAVID TAYLOR: To underline, we are not saying that we didn't like the work from it, at any stage, it's supporting what they;ve done is good, we're not saying we don't like it.

JORDYN BUCHANAN: We can say it however we want.

DAVID TAYLOR: We're saying we don't need to do another one because it's been carried out. I'm not actually [inaudible] to the quality of it either way.

JORDYN BUCHANAN: That's what I'm getting it, right, like if the comments from the community are roughly like oh, this didn't do a cost benefit analysis, you should do that, and we just channel that. I think that is effectively just saying we didn't like the previous report. I guess, it would be interesting to me to see what the public comments are suggesting and whether [inaudible] CCT or whether they are just criticisms of the previous TNCH review. It just seems like it's weird for us to channel public comments about TNCH review [inaudible].

DAVID TAYLOR: No, no. They're very light comments, we might as well just mention it, it's the registry stakeholder group it seems is the only one talking about the cost benefit analysis, and they effectively ask us how we believe such costs benefit analysis should be undertaken, and what specific value it would add to the advice that has already been done, and also and then it says, the RPM group has been reviewing the trademark clearing house, it isn't engaged in any specific cost benefit analysis. Given that that's underway, in order for the GNSO to adopt this recommendation, any guidance will be helpful. That's really where it's talking about this thing so it's there, and do we go into it, that's what we've discussed on our sub call yesterday, how do we give guidance on this and I'm not sure we can. Do we just drop it and lose all mention of it? Or do we somehow retain it in there and hope [inaudible] that's what I am grappling with, which we tried to grapple yesterday and he do that.

JORDYN BUCHANAN: I guess the question there is for the PDP in particular do we have any special insights from our work that would help their work? I haven't been following your subgroup, maybe you guys do, but unless we do it doesn't seem that useful to say anything [inaudible] our review that we could give to the PDP, so it would make it more likely that they would be successful.

DAVID TAYLOR: I think the only thing which we did discover our review was this statement in the previous clearing house review when we had the two

reviews and this disclaimer saying we don't have the data to do this, we're missing data, we don't have the data, so it was a very detailed report that was missing data. That really again, just tied into our general thing of, how do we get this data, and perhaps we should be collecting it, in a different way. It needs to be collected in some form or manner, I don't know and that's where the idea of the cost benefit analysis is really one those people who have analyzed the trademark clearing house, and haven't been able to conclude because A, B, or C is missing, how do we get A, B, or C, and they're probably best placed to say we could get it this way or we don't think we can get it, as you say and maybe that's the case. I don't think we can ever get this data, full stop, so then drop it. If we generally believe that, but the registries or people refuse to give data, I sort of think that it potentially is an issue which needs to be addressed rather than just accepting that there's a refusal to give data, that's a bigger picture.

JORDYN BUCHANAN: I will say, I think it's the registrars in the case refusing to give you the data, I suspect they don't have it but even if they did. Like, it's basically they are hurting themselves, because the size of data that's missing... the registrars would claim that the claim service costs them like prevents legitimate registrations and costs them money because people gets scared away from registering trademark names, even if it's in non infringing use. Then, they're not willing or able to share the data that supports that notion. [inaudible], if you guys don't want to share that data, then we're just not going to take that claim very seriously, right.

DAVID TAYLOR: Yeah, and that's the thing as well, exactly you say, when you don't have the data then you can claim anything and you go back to anecdotal evidence and everyone fires off the anecdotal [inaudible] which is what we've been trying to get away from.

JORDYN BUCHANAN: David, I'll try to take a look at the 10 page review again and just sort of see what... my recollection is the types of data that they say they don't have are the types that, in my opinion at least, never going to be able to get. So, I would tend to say that recommendation 42, analysis group did this, they had some problems with data, you know, just like we did, we're already recommending, see our first recommendation. We want ICANN, should be more data driven. Analysis group did a good job with what they did, good job, declare success, and then keep paying attention to data collection as that's an important thing for ICANN to do, or something like that.

DAVID TAYLOR: I suppose we need to look at the RPM working group and what, where they have ended up on the clearing house, specifically, so that's going to be an action point in Puerto Rico. What did they feel was missing, if they had certain data, they would have been able to do, or review it in a better manner.

JORDYN BUCHANAN: I haven't been following the RPM honestly and your input would be better there.

DAVID TAYLOR: [inaudible], you look at that aspect, that would be good.

JONATHAN ZUCK: Alright David, and you're going to look at some interesting [inaudible] taking language.

DAVID TAYLOR: Yes.

JONATHAN ZUCK: Alright. What else do we have on the agenda for today besides Jordyn's discussion and are we out of time, I don't know what we set up for today?

JEAN-BAPTISTE DEROULEZ: Hi Jonathan, that's two hour plenary call today and we still have one item on the agenda which is [inaudible].

JONATHAN ZUCK: [inaudible] does it makes that sense, respecting Laureen's desire to not to discuss until everyone has a chance to read it, does it make sense for Jordyn to present it, to help people understand this, before we have a discussion, or just wait for people to read the document.

EN

JORDYN BUCHANAN: I can give people a short overview of what I did, then they can read it. [inaudible] it is really a two sentence addition to the recommendation so it's not too complicated to digest. I think, if Laureen in particular, may want some time to think through the implications but I can set up, I can [inaudible] what we're trying to do.

JONATHAN ZUCK: Exactly, so we're not going to try to get to any conclusion, but why don't you just give an overview and we'll let it go.

JORDYN BUCHANAN: Sure, happy to do so. Jean-Baptiste, can you present that really quickly? Just for context, the edit that I made here is an attempt to consolidate recommendation 11 with the consolidated recommendation 13, 15, and 33 that Laureen had previously consolidated. I note, this is a little bit different than Laureen's consolidation in that Laureen had consolidated a bunch of recommendations around consumer trust in particular. This is an attempt to take the question that was more focused on consumer choice, but still tied to the registrant survey, and combine them together. So, you'll see there's a little bit of an edit at the very top of this basically saying, instead of saying just to conduct a survey that focuses on consumer trust, say conduct a survey that focuses on consumer trust potential benefits and costs related to confusion of new gTLDs. So, that's just sort of to see it off, to expand the scope of the survey, of the study. Then Laureen talked about the existing text describes the facets of trust that they would like to study as part of the survey. I just added a couple of sentences to capture the intent of

recommendation 11 at the end, saying that we should also, this language is basically just cribbed from [inaudible] recommendation 11, which is saying like... the survey should also... [inaudible] we are already asking people like which domains do they go to, which domains do they trust, and then we're just sort of also trying to ask like, and do you feel like you're getting any benefit out of having these additional choice. So basically says the survey to allow relative weighting of the contribution consumer choice, like are geonames helpful, are [inaudible] helpful, do you have a preference for any of these? Then the flip side of that is, are these... now you have all these more choices, is that actually helpful to you or more confusing? In addition to just asking like, what do you go to and do you trust them? We're also saying, and is it like useful for you to have these additional choices or is it confusing? That's the intent of what I've added here, it does conflate two different concepts before this is very focused on consumer trust, and now it just sort of broadens it off to be this general set of questions relating to sort of registrant behavior and preferences. But I do think it is, like, we did use the same survey last time for both of these things, we'll probably use them again in the future. To me it makes sense to consolidate it, but I think Laureen obviously needs to take a look and see whether this, sort of, feels like the deludes or confuses the previous recommendation. That's it. I will also add Laureen, if you think that this is a useful consolidation, we probably would add some more text to the rationale and stuff below, I didn't bother to do that yet as I wanted to see if the consolidation made sense first.

LAUREEN KAPIN:	Thanks Jordyn, I'll just need a little time to look at it and think it through, but it was actually helpful having you give this overview so I appreciate that.
JONATHAN ZUCK:	Great yeah, thanks Jordyn. Does anybody else got any questions for Jordyn, just in terms of clarifications or intent to help with your reminations? I can't see if anybody has their hands up, but...
JEAN-BAPTISTE DEROULEZ:	Hi Jonathan, I am looking at there is no hands up at this time.
JONATHAN ZUCK:	Thanks Jean-Baptiste. Thank you Jordyn, and Jean-Baptiste, what's next on the agenda?
JEAN-BAPTISTE DEROULEZ:	Next we have a discussion on recommendation 19 and 34, that's true, Drew is going to be presenting.
JONATHAN ZUCK:	OK, take it away. Is Drew on the call.
JEAN-BAPTISTE DEROULEZ:	He is, but he is not responding. Maybe he is on mute. OK he is back now.

DREW BAGLEY: Hey guys can you hear me?

JEAN-BAPTISTE DEROULEZ: Yes we can.

DREW BAGLEY: Oh OK. Sorry I had some audio issues. Yeah in the spirit of consolidation, I just wanted to have a quick chat about two recommendations that we put in much earlier in our report, that now could now likely be consolidated at least with each other, or even combined into one of our newer recommendations from the DNS abuse chapter, or alternatively, combined into one of our other broader data collection recommendations. So, both of these recommendations, do I have scrolling ability, sorry. I don't think I have scrolling abilities Jean-Baptiste. Thanks, so, there's these two recommendations and then there's the third one, the DNS abuse one you might be able to combine it with. Both of these are dealing with aspects of DNS abuse and you know, us talking about the type of research that needs to be done. Whereas with the new DNS abuse recommendation we have that's related to this, we are more emphasizing that there needs to be a regular collection and publishing of data so that there can be data driven policy making as well as action taken when necessary to mitigate abuse. So the question for the group is whether or not we could... we would be comfortable, at least combining recommendation 19 and recommendation 34. Then moreover would we be comfortable perhaps, putting all these into just the one recommendation, and what I'm

thinking is that we could perhaps put the meat of all this into the newer DNS abuse recommendation, need to add a sentence or two, and anything that would not really serve that purpose there might go into a broader recommendation about data collection as we are, to the extent we're kind of creating a monster data recommendation from all the leftovers of all these various recommendations that we came up with much earlier in the process. So, just to kind of go over these, I think hopefully everyone can see on their screen, but recommendation 19 is emphasizing that we intend for the DNS abuse study to be repeated in some form, so that there is current information about rates of abuse, and that would also of course, who progress in terms of abuse mitigation efforts by the community and show where policy recommendations even we would make, to what extent they're having an effect before the next CCT review issues their report. That is our intention there with that one, and then recommendation 34, similarly we asked for the repeat of the study. In this one though we were a little more particular in the fact that we thought that registration restrictions should be looked at in a precise manner to find those correlations broken down with the different types of registration restrictions. This was in part based off of what we saw as far as research done by nielsen, from a big nielsen survey indicated that there was actually a positive relationship between registration restrictions and the trustworthiness of the domain. Then we wanted to see if that really correlated with reality, in terms of whether a domain name that would maybe be... a TLD that would be perceived as trustworthy was actually trustworthy when you looked at the amount of abuse there. And as Jordyn noted, yeah our DNS abuse study, yes there's definitely correlation but what we were intending here, as I recall though, is to get maybe a more

nuanced look so we could see what types of restrictions in particular correlated more of less strongly with the [inaudible] big picture, make it harder to register a domain, than a bad guy to register a domain and you're going to have less abuse. That's what we were looking at there. Then the recommendation that is much newer that we're looking... yeah?

JORDYN BUCHANAN: Sorry I was just going to say, I am 34, like my guess and I think this is... it would be interesting to see if we need to look at this more but, I suspect as long as there's such a thing as open TLDs, basically any registration restriction at all is going... my recollection of the data is basically there is no abuse in the restricted TLDs, and so it almost doesn't matter what restriction you have in place. It just seems like it is going to be hard, to like actually do this study because, to do with what type of restriction matters, it's going to be like all of them, basically completely eliminate abuse because bad guys don't want to go through any effort because there's such a thing as an open TLD where they don't have to do that.

DREW BAGLEY: Right [inaudible].

JORDYN BUCHANAN: I think we did this already in trying again is not going to actually add that much more value.

DREW BAGLEY: Yeah, I was just now going to present the recommendation that we roll everything into, I was not... I was just explaining where we were at the time with that, but yeah, exactly, I am echoing that with my inclination to combine all of these. So that recommendation C, our newest recommendation. This is one where like the aforementioned recommendations, we are calling for there to be more research done so that way this isn't just something that occurs every several years when a review team convened, and we're going a step further and saying that the output, for the outcome of any sort of research, should be actionable in some sort of way so that there are, there's abuse mitigation put into place when necessary, and that there's just data available to the community, so that on a policy level the community can remediate problems. So, with those aforementioned older policy recommendations, I think that our newer one really embodies everything we were concerned about before, and to Jordyn's point, I don't see there being a need to call explicitly for a separate study on registration restrictions, even though we had that data from nielsen about the trustworthiness, I think we have enough data in our newer one, even though it's not nuance broken down by the types of registration restrictions, but there really does already show that correlation and I think to the extent we're calling for ongoing research, and ongoing just data collection in general in recommendation C, to the extent that is something really is important as different trends come out, that's something that our recommendation essentially allows for, even though we're not explicitly calling for that type of, I guess, metrics to be part of the research. So, I feel very comfortable combining these, if we combine them, I guess the question is, is there anything we need to add to recommendation C, for anything we would be losing by

getting rid of recommendations 19 and 34? Jordyn, did you want to try again now.

JORDYN BUCHANAN: My general sense is at least, as I've expressed earlier, we should consolidate wherever possible, so... I think we should consolidate all of this. I agree with your proposal. Or we could break them down into 9 and call them the Jordyn Buchanan expanded recommendation.

JONATHAN ZUCK: 12 pages each. I agree with your suggestion Drew.

DREW BAGLEY: OK, I don't really think we're losing anything. I don't see anything we really need to add to recommendation C, I think we're done a pretty good job with that one. That one will be slightly modified for style and what not anyway, so, because I got a little bit more feedback yesterday but I've not sent out the latest draft of the DNS abuse chapter, so if anyone has any feedback in general about that one, just give that to me and we can just further tweak that one if someone has an idea, otherwise I think we can get rid of 19 and 34. OK, so then I guess we and I'm trying to think how many people on the phone... I guess we can send out an email asking if there are any objections to this proposal, that way since we don't have many people on the phone, [inaudible] in case anyone has an objection, otherwise what we would do is, we'll go ahead and get rid of recommendation 19 and 34, and keep recommendation C,

and then if anyone has any feedback on improving C, then just email me directly or to the group.

LAUREEN KAPIN: Drew its Laureen, so do we have... can you send around the latest and greatest version after the call so we all make sure we're looking at the last version when we weigh in.

DREW BAGLEY: Yes. So the feedback I got yesterday, I started editing that this morning before the call so I will send that out later today. Thank you, mine for today was easy [inaudible] was easy.

JONATHAN ZUCK: Thanks Drew. Jean-Baptiste?

JEAN-BAPTISTE DEROULEZ: Nothing, no other topic on the agenda, just any other business at this stage, I believe.

JONATHAN ZUCK: Does anyone have any other business? Do the folks that are coming to Puerto Rico want to pick a night and do a dinner or lunch, or something like that? Or a mini face-to-face?

JEAN-BAPTISTE DEROULEZ: Jonathan, there is a hand raised from David.

EN

LAUREEN KAPIN: OK, and I want to chime in too.

JONATHAN ZUCK: OK David, go ahead.

DAVID TAYLOR: That was going to be my exact question, instead of asking the same question I will answer it and say yes please, happy to whenever suits Jonathan, or anybody.

LAUREEN KAPIN: I will chime in also and say that will be great, although evenings are seeming to be getting a bit crunched so I would suggest perhaps a lunch would be lovely. Maybe we could either send around a Doodle poll, or just via email, because it's likely a smaller subset of us are going to be attending.

JONATHAN ZUCK: Right, OK. I will probably send around a Doodle poll today sometime. Any other business? OK, thanks everyone, particularly Jordyn and Drew, thanks for your word, and see you on the next call. Go ahead.

UNKNOWN SPEAKER: I was saying and David.

JONATHAN ZUCK: And David, exactly. I'll talk to you guys soon. Thanks everyone.

LAUREEN KAPIN: Thank you, bye-bye.

[END OF TRANSCRIPTION]