
AUTOMATED VOICE: This meeting is now being recorded.

LAUREEN KAPIN: OK, this is Laureen Kapin and we're having our safeguards and subteam call, I'm on the... competition and consumer choice and consumer trust review team. I think it would be helpful as we are now just on the phone, without a web interface to just do a roll call, so I know exactly who's on the phone, and we can proceed from there. I have identified myself, subs can identify themselves on the phone, that would be great.

JEAN-BAPTISTE DEROULEZ: Laureen, if you wish I can identify who is on the call otherwise we are all going to talk at the same time.

LAUREEN KAPIN: Perfect, thank you, that's a much more elegant solution. Thank you Jean-Baptiste.

JEAN-BAPTISTE DEROULEZ: Laureen from the team we have on the call today, Carlton Samuels, David Taylor, Jamie Hedlund, yourself, and from supporting staff, we have Brenda Brewer, [inaudible], Brian Atchison, and Steve Conte, and myself.

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LAUREEN KAPIN: OK, great. Then I think we should proceed and I believe David, you are going to be presenting your latest and greatest versions of recommendation 40, 41, and 42. For everyone on the phone, David has sent those around, it should be rather high in your inboxes, because David sent it around very recently. So, even though we don't have...

DAVID TAYLOR: Correction on that Laureen, I only sent it to Jean-Baptiste. Sorry, David here, I only sent it to Jean-Baptiste and you, because I thought Jean-Baptiste... I thought we were back in Adobe and he'll be able to get it, so I didn't send it. Maybe Jean-Baptiste wants to circulate it so everyone can open it.

LAUREEN KAPIN: He may have already.

DAVID TAYLOR: Does everyone have access okay? I'll take the silence as a yes.

LAUREEN KAPIN: I'll hand it over to you.

DAVID TAYLOR: OK, sorry. It is quite hard isn't it, when you're on a call like this and you can't put hands up and do it in a nice order, neat fashion.

UNKNOWN SPEAKER: It is very difficult.

DAVID TAYLOR: It makes it a little more challenging shall we say. So, further to our last safeguard subgroup meeting and the plenary before ICANN 61, and then I had quite a few discussion during ICANN 61 on these recommendations and basically trying to figure out how we're going to deal with the fact that the RPM working group is ongoing looking at URS and trademark clearing house, which is recommendation 41 and 42, and update the wording in that as the wording has been fairly standard since we started this 2 and a bit years ago, because we weren't sure whether we'd finish first or they'd finish first. So, it's been trying to get a suitable set of words in there which covers it, which I've sought to do. Then also on the recommendation 40, which is the impact study, we wanted and we'd agreed, just mention a little bit more about the statistically significant response rate, which is, just to bring that into the recommendation, it's in the paper but wasn't specifically in the recommendation. That's that.

The only other point I would say as well, is what we did talk about on the plenary last time, maybe Laureen, I don't know what was decided actually because I remember I suggested that, I can't remember which of the recommendations were but because we'd got the rationale, people weren't reading the rationale, they were just reading the recommendation and saying things were missing. I suggest that maybe we try to bring in some of the rationale into the recommendation and that was in the DNS abuse one, so I think Drew was rewording that, but I didn't know that there was a comment on [inaudible], Carlton very

rightly saying does that mean we're doing that across the board. I don't know if there was a complete groan of silence when somebody thought we were going to have to do this across the board or whether that is actually something we were thinking of doing, or whether we were just going to stick to some smaller amendments on certain recommendations where we thought it was pertinent. I don't know whether there was an agreement on that.

Based on my side, I have left the rationale and related findings separate, but I could integrate them if need be. That was my point on that. If you want me to run through these, I've put them on there, you've got the old recommendation, which isn't highlighted, and the new recommendation with the amended wording which is highlighted and I've put them in yellow there. So, the recommendation 40 amended is a very simple one, where we've just brought in there, instead of just saying it needs to be more user friendly, to specify in order to help ensure a high and more statistically significant response rate. That's that very small amendment there, happy to take any questions and I think we've actually covered that before because the main amendments I've been doing are on the other two. If I move on, flag me afterwards on that one if you want to discuss it.

The old recommendation 41, which in effect is saying that it's the full review of the URS and pointing out that this PDP is ongoing, so that review needs to take onboard the findings when that one is published. So there is some confusion in some of the replies and some of the comments on this, as to how the two will integrate. This is the wording which I've put together, which I'll read out for the sake of it, so, since our initial draft recommendation, the PDP review of all RPMs has

started reviewing the URS in detail and this is currently ongoing. Given this ongoing review the CCTRT recommends that the RPM working group continues its review of the URS and also looks into the interoperability of the URS with the UDRP given the current timeline, it would appear that the appropriate time to do so will be when the UDRP review is carried out by the PDP working group, this time consideration be given to how it should operate, interoperate with the UDRP. I might be able to simplify that. Then the CCTRT has encountered a lack of available data in many respects and the PDP review appears to also be encountering this issue and it may well prevent it from drawing firm conclusions. Safe modifications are not easily identified then the CCT review team suggests continued monitoring until more data is available for a review at a later date. It is important that future review teams are able to have sufficient data and less efforts need to be made to collect data on an ongoing basis. Any thoughts, comments, apart from simplify the first paragraph as I re-read it?

I will move onto recommendation 42. 42 was where we suggested a cost benefit analysis and review of the clearing house in its scope. That there is amended, so I've retained that first section, cost benefit and analysis of the clearing house in its scope to provide quantifiable information on the costs and benefits associated with it. Then, trying to cover it in the same was as recommendation 41, since our initial draft recommendation, the PDP review has started reviewing the clearing house in detail, then we're saying providing this PDP review has sufficient data and is able to draw firm conclusions, CCT review team does not consider that an additional review is necessary. However, the CCTRT does still underline its recommendation for a cost benefit

analysis to be carried out in order to help obtain sufficient data for conclusions to be drawn objectively, such cost benefit analysis should include, but not necessarily be limited to looking at cost to brand owners, cost to registries and costs to registrars, of operating with a clearing house now and going forward, and look at the interplay with premium pricing. So effectively there I have tried to cover a couple of comments saying what should the cost benefit analysis look at, hence putting that in. I thought the premium pricing there tied in nicely with other sections of our report to make it a little bit cohesive and my attempt at catching. Open to any questions or thoughts. Even Laureen is silent.

LAUREEN KAPIN:

No, I'm not silent. Thank you though. I'm sure I'll take that as a compliment at my vigorous participation. This is actually just a minor point, the last line about the interplay with premium pricing. I think it is a little bit vague, and I think you may want to flesh that out and say the interplay between what and what, I assume you're talking about premium pricing and domain name. It's just a little bit short handed and I would divide that into two sentences just so you're actually spelling out what you mean.

DAVID TAYLOR:

I did it deliberately vague, because the further I go on these things, the more we seem to prescribe. I am happy to take that point on board. What do you suggest? The interplay of the clearing house and costs with premium pricing...

LAUREEN KAPIN: Maybe explain it to me a little better, because I know what premium pricing is and I guess I don't want you to be prescriptive, I don't want you to be overly prescriptive but the rest of the sentence actually is very precise and to me it is more of a precision issue, to identify cost to brand owners, cost to registries, costs to registrars of operating in the trademark clearing house now and in the future. It is only this look at the interplay in premium pricing that I think just dangles there in the ambitious sphere. If you give me a better sentence. Go ahead.

DAVID TAYLOR: It is really the interplay with premium pricing and how you've got... sorry, go on Carlton.

CARLTON SAMUELS: I would have thought that it means that the whole premium pricing impacts all of those other things that you associate with the trademark costs.

DAVID TAYLOR: Yes. It is the impact of the premium pricing and also the old discussion about words being in the clearing house and then they're able to be... you're getting notifications on them and does that have a chilling effect, does it not have a chilling effect, but then you've got the premium pricing that exists where you had issues with certain brands that have a descriptive term, having to pay large amounts of money for that

descriptive term, because it is [inaudible] by registry of the premium price, etc. It is all that capturing.

LAUREEN KAPIN:

Is the real concern that when something is in the trademark clearinghouse that somehow gets flagged as a candidate for premium pricing and thus maybe a just incentive, or an extra burden so to speak?

DAVID TAYLOR:

I think it goes many ways, because if it is in the clearing house and someone accesses the data then they get to see what the brand, the mark shall we say, so they can put it as premium pricing in the registry, or similar words to it. There's so much anecdotal evidence around this that I wouldn't want to go either way because I think there's issues for brand owners but I think, and quite rightly, there's issues for the registry's and registrar's as well. I think the whole premium pricing is a big model that is certainly growing massively and we've seen that in what we've been looking at, and in many ways I would argue that a registry today doesn't make anywhere near off sunrise as they thought they would in a previous life.

If you look at the sunrise for dot Asia, we were 360,000 sunrise, and then dot EU was 30,000. It was a tenth of it. Most today are probably somewhere between 10-100. So the income from the sunrise has gone way way down, but the income from premium pricing has gone way up. There's more of a keenness on the premium pricing as a revenue generator and I don't necessarily think that's a bad thing. But obviously that ties into the whole competition side. I wouldn't want to make a

comment, particularly in here that somehow contradicts... Or, I would leave it to Jordan to suggest if you want to capture his thoughts on the competition as a summary, we could make a specific reference, I wouldn't mind doing that at all, over to the competition. I would tend to keep it vague, maybe if you want to tighten it down a little bit. We could say the interplay with premium pricing and its impact on cost, for instance, I am happy with that. We still have an interplay there, which is basically looking at that generality of how it's interplaying with everything.

LAUREEN KAPIN:

I don't think cost actually clarifies it, as premium pricing inherently includes the concept of cost, as it is premium pricing as opposed to sale pricing.

DAVID TAYLOR:

I suppose cost to one is a lost to another, isn't it. That would increase the cost to a brand owner and increase the revenue to a registrar and the registry. Which is the interplay.

LAUREEN KAPIN:

Now I see why you're phrasing it that way. Let me think about it, now that you've explained it, I see why you've been expansive with your phrasing here. Maybe other people have thoughts on this.

CARLTON SAMUELS: I actually like the word interplay as it not only talks about costs but it talks about things like, why I saw the word interplay, I thought of all the aspects of the trademark clearing house. You have a string in the clearing house, somebody can use that string and say that all the strings near to those will be premium and they can be make up that. If you have people looking at what happens in the clearing house, how many queries are made against a string, and they can use that as a basis to decide on premium pricing. There are lots of thing I see around the trademark clearinghouse and even how registries [inaudible], what they are going to do post-sunrise. To me it suggests the word interplay as a good one to use there, as there is so many aspects of it and so many layers, that you could think, that could initiate the thinking on premium pricing.

DAVID TAYLOR: Yeah.

LAUREEN KAPIN: I will withdraw my comments then, you've persuaded me that's the right way to approach it.

DAVID TAYLOR: If you do think of anything, please do, because I am more than happy to try and... it is deliberately there with interplay, but I did think, I ended up the first draft of this was incredibly long and then I started cutting it down. It's interesting that our discussion here is almost just followed some of those, because, it goes into the enormity of it when you are

looking at a registry, deciding which names are premium is a very important decision for that registry. It has an impact way outside the clearing house, it is just a part of it, it's a piece of the jigsaw and I do think there's an interplay with the premium pricing. I think premium pricing interplay is across the board in many ways, arguably I'd say the whole dot one debacle came about because of the premium pricing suggestion on a term. I mean that shows you where you can end up with the TLD delayed about 4 years, because of the selection of the premium pricing.

LAUREEN KAPIN: Right, right. OK, like I said, you've persuaded me. Have it let it be said, that I am only sticking to my guns regardless of persuasive arguments to the contrary.

DAVID TAYLOR: That is noted and I will post that on Facebook later today.

LAUREEN KAPIN: You do that. We have other comments or questions for David?

DAVID TAYLOR: We will move quickly on then. Good.

LAUREEN KAPIN: What is next on our agenda, Jean-Baptiste?

JEAN-BAPTISTE DEROULEZ: This was the only topic on today's agenda.

LAUREEN KAPIN: OK. Then let me ask you just to give us a big picture since we're ahead of schedule, which is nice. What do we still have outstanding from a safeguards and subteam perspective in terms of action items? I know this was one of them and we'll go to a plenary call on this I assume. I know we still have consolidation that I'm handling with Jordan on some cross-cutting recommendations, but what else remains?

JEAN-BAPTISTE DEROULEZ: OK. I just had a quick question for David [inaudible], today which will be David, can you confirm on your recommendation that this success measure, the details, and the two [inaudible] haven't changed?

DAVID TAYLOR: That's a very good question. They haven't changed because I haven't... We could use the rest of this time and we could run through them now. If you've got them to hand, I don't have them to hand, but, let's make sure we all agree that they should stay the same, because I don't know what, let's run through them if we agree. It is true, I haven't had much input. I put a load in ages ago, then we changed them. If we can focus on those for five minutes, that will be useful for me.

JEAN-BAPTISTE DEROULEZ: OK. I will just need maybe just a minute or two to update your document and forward it to everyone.

DAVID TAYLOR: Just run through them now if you want? I can just read them out and if we've got, it's just who is who isn't it. Just a prerequisite of the other services, I can't remember to do that as well.

JEAN-BAPTISTE DEROULEZ: Give me a second and I will do that as well. Let me have a look. For recommendation 40, [inaudible] only to ICANN organization. The level of priority was high, details were devolution over time will provide a more precise picture of cost at the track the effectiveness of audience, generally in the domain name system. The success measures were for condition 40, the devolution over time will provide a more precise picture of cost as the [inaudible]. Sorry about that. It seems that for both of them it was the same.

DAVID TAYLOR: All three?

JEAN-BAPTISTE DEROULEZ: Yeah.

DAVID TAYLOR: OK. Maybe what we can do, is we can consider the details and the success measures, if you want to add those in by email and we can look

at those and any input gratefully taken, and maybe just now we can look at the who they're destined to in the priority and if we agree on those. That's kind of the essential, 40 is ICANN org and is high. 41 and 42 are presumably the same on the destination of each other, not necessarily ICANN org, I remember there are quite a few destinations there, but that's definitely included in the PDP working group, but it might have included DNSO council. I think we had DNSO council, didn't we?

JEAN-BAPTISTE DEROULEZ: Sorry, for recommendation 40?

DAVID TAYLOR: No recommendation 40, we've got ICANN org and priority is high.

JEAN-BAPTISTE DEROULEZ: 41 and 42 is GNSO.

DAVID TAYLOR: Yeah, GNSO. The priority was pre requisite or high?

JEAN-BAPTISTE DEROULEZ: For recommendation 41 it was pre requisite, and for 42 it was pre requisite as well.

DAVID TAYLOR: How does that tie in with everything else Laureen, on the pre requisites? How many prerequisites have we got? Are we still having prerequisites?

LAUREEN KAPIN: It is very hard for me to see the big picture here, when I actually don't have everything in front of me. This is underscoring to me, maybe, it would be more helpful for us to perhaps have Jean-Baptiste circulate a consolidated version of your revised recommendations with the success measures and everything else that they live with all together, so we actually have a chance to look at it on paper or computer screen, whatever everyone's favorite modality is, and then we could... what I would suggest is that people give input via email before the next plannery. I don't want to have another safeguard call on this, what I would like to ask people to do is give input and then be ready to discuss this at our next plenary call. Ideally circulate comments before the plenary call, if you disagree with something. As to your [inaudible] questions David, I think that's an issue that we should take up on the plenary call in general, now that things have shifted, been consolidated and revised, does everything still make sense in terms of our prioritization. I think that's an excellent point.

DAVID TAYLOR: That makes very good sense, let's do it like that. Perfect.

JEAN-BAPTISTE DEROULEZ: I will send that around. I am going to reply to your question in terms of what the subteam still has as a connection. As you mentioned, there is the confirmation of recommendation 11, 13, 15, and 33, where Jordan took the lead and to lead with you on that. Then there was an open question to Drew, who shared recommendation A, B, and C to the review team, and where success measures are missing there. We just need an update on that, then there is recommendation D, where Drew and David, the two have a discussion. I am not sure there is any input from the review team on that, in the meantime. This is something that [inaudible] and to be discussed.

LAUREEN KAPIN: The last one, can you repeat that, what still needs to be discussed. I know they are missing success measures, but I missed that last part.

JEAN-BAPTISTE DEROULEZ: Success measures were for recommendation A, B, and C. Those were already submitted to the review team. Then there is recommendation D, where Drew and David are still working on that. An updated version is expected, and also Drew is working on the other recommendation E that was submitted as a email to [inaudible], which was appearing in the appendix of the new section report.

LAUREEN KAPIN: Right, and we're figuring whether that's going to now become a new recommendation or not. OK. Can we check in with Drew then to see

where things are, you have probably already done that, but if we haven't already.

DREW BAGLEY: I am on the call.

LAUREEN KAPIN: Oh, I didn't realize that.

DREW BAGLEY: I joined really late, I had lots of audio trouble and by the time I joined I didn't fully understand the context to be able to be a valid contributor.

LAUREEN KAPIN: Now that you've unwisely spoken I can put you on the spot and ask where things are.

DREW BAGLEY: Yeah, so with regard to the success measure, I forgot to include those in that draft I sent out, so I need to go back and add those, but otherwise those recommendations are updated with the language that we all, based on the feedback from the public comments as well as from the internal feedback, taken in after the public comments or the individual drafts I've been getting lined up from people. So, all I need to do for those three then is to add the success measures themselves, then of course, people may have feedback on those, but in the meantime everyone can weigh in on the substance of the recommendation

themselves. [inaudible] done that yet, and then David and I need to get together about D and E, E is just a matter of finalizing who to direct it to and that's one of the things that it is actually tied to current events as far as some of the WHOIS, as it is an entry that could be in WHOIS, or to be in some other form in terms of the reseller information.

LAUREEN KAPIN: OK, so is it reasonable to expect that we'll hear from you both on those issues next week for circulation?

DREW BAGLEY: Yeah, definitely for the success measures, those will be there. Recommendation E, David and I, David you seen the latest version of D, and I know we haven't discussed anything yet, we haven't really incorporated a bunch of the things we talked about.

DAVID TAYLOR: I've been working on the case study to put in. We need to just bounce around between us and then ideally we said we'd bounce it around the subgroup team, because then we'll get a discussion on this group, so we've got other input before we go plenary. That was our timing on this, that would probably indicate that we'll need another subgroup team to discuss that Laureen, I would have thought.

LAUREEN KAPIN: Yeah, I think that's right.

DAVID TAYLOR: Could be a short one. Could even be half an hour one, just to get that one. I think we do need everyone's input on this team.

LAUREEN KAPIN: That's fine.

DAVID TAYLOR: Calvin is on this team as well, and he's got the registry input which would certainly help just to stress test where we're going. Stress and test Calvin.

LAUREEN KAPIN: Yes, I think so. Let's try for early next week if we can to get those circulated, just because if we can get it circulated early enough in the week, we can have another subteam call, perhaps on a Thursday to deal with it. Does that sound reasonable?

DREW BAGLEY: Yup.

DAVID TAYLOR: Yeah, it does. It is Easter Monday as well, so we're going to have a short window Tuesday / Wednesday. Of course, everyone is desperate for everything, as everyone has gone on holiday for Friday and Monday, so I know my Tuesday after Easter, I'm used to this now that everyone in the

US wakes up and screams for things, so I tend to find myself disappearing on two days of frenzy.

LAUREEN KAPIN: Do you know how irate Americans are?

DAVID TAYLOR: When you come back from Easter it is always the same.

UNKNOWN SPEAKER: Just because no one ever gave you an Easter basket, doesn't mean you have to be bitter.

DAVID TAYLOR: I never get an Easter egg either. I'd like to point out, I've never had a client send me an Easter egg yet. There you go. I'm just saying.

LAUREEN KAPIN: [inaudible]. OK. I think, unless Jean-Baptiste, do we have anything else to cover? Otherwise I will say that David and Drew you now have about 20 minutes where you could collaborate together, since it is scheduled to go to 11 if you'd like.

DAVID TAYLOR: Please Drew, let's get on a video link immediately.

LAUREEN KAPIN:

OK. I think then, unless anyone else has any comments or questions. Going once, then I will wish everyone happy holidays, happy Easter, happy Passover, happy holidays that I am not identifying as I don't know about, then have a great weekend.

[END OF TRANSCRIPTION]