
JONATHAN ZUCK: I think phone numbers tend to appear in the list so it should be OK. Is there anybody with an updated statement of interest?

UNKNOWN SPEAKER: Hello?

JONATHAN ZUCK: Yes.

UNKNOWN SPEAKER: Hello?

JONATHAN ZUCK: Yes, we can hear you.

UNKNOWN SPEAKER: Hello?

CARLOS GUTIERREZ: I'm in the phone [inaudible] Jonathan, thank you.

JONATHAN ZUCK: Thanks, Carlos. OK. No updated statements of interest. I had to update my statement of interest because I'm running for the ALAC. So, feel free to check that out but it's not really a change from the last one you saw.

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I'm going to hand the microphone over to Jordyn to lead the discussion on the current draft of the substitution analysis paper.

JORDYN BUCHANAN:

Sure, thanks Jonathan. I think I sent out an update to the choice section, last night actually, once I actually sat down to write, I think it became clear that the substitution analysis piece was actually pretty good on it's own, but that the additional analysis that was missing, sort of more properly belonged in the existing choice section. So, I sent out an update last night and I think Jonathan, this is supposed to address some of the same commentary from the US government about the sort of suitability of... once again it's still fundamentally to sort of which TLDs and which of the combined strings might be substitutes for one another. We had published in the previous... in the draft report a statistic saying that 92% of all of the combined strings... so in this case remind everyone we're talking about the big shots photography example, right? So, if the combined string for big shots dot photography is big shots photography. So, if you take that combined string big shots photography and look for it in dot com, then 92% of the time it was available. I think the US government had made the point that... if you instead registered big shots dot xyz, big shots xyz dot com, doesn't actually make any sense, no one would actually care that big shots xyz dot com was available. So, as you point in the substitution analysis paper, that you need to sort of... in some cases the combined strings, the sort of ending is very specific, and so then you care about the combined string and in some cases the ending is quite generic and then probably what you really care about is just the second level domain. So in the meantime, Brian and the team at ICANN had updated the data

that we had on this topic comparing the combined strings, they also removed brand TLDs from the mix, and let me just... can I scroll... [inaudible]... oh I do, click to start. Alright... so then, if I come down here... [inaudible]... it doesn't show the red line. In any case, this paragraph here that says, woops...

UNKNOWN SPEAKER: You could use the highlighter. It's the tool on the far right, at the top.

JORDYN BUCHANAN: This paragraph here, nope that doesn't work... let's turn that off. Alright, so, this paragraph here is where the majority of the changes are, so I did a couple of things first of all, I updated the number. It changed from 92 to 87%, so we see here in this analysis only 13% of registrations are registered in dot com... turn off highlighter, I don't like this... I'll highlight something down here. How do I unhighlight. Undo. Alright. In any case, we updated this number to match the modern statistics. It does mean that over the past year or so, about 5%. There's been a change, it is actually more common for the combined string to already be registered in dot com. I think that probably just reflects the growth of names in the new gTLDs. It's just more likely that people are not registering totally unique things and they're clashing more with dot com, but we haven't done any detailed analysis on why that might change. Then I sort of make the direct point about dot xyz, I would say... then I would say, example xyz, doesn't make any sense. Then, sort of distinguish between the generic and specific TLDs, then point out... the math sort of works how you would expect. Only 0.1 of the registrations

in xyz that combine form in dot com, so people aren't registering. So, I know that like alphabet which is my employers parent company, uses abc dot xyz as their primary domain name, so it wouldn't actually be surprising if abcxyz dot com was registered as that sort of makes sense. In a lot of cases if you just had a normal term and then had xyz at the end it wouldn't make any sense. 99.9% of the registrations in xyz, that combined string is not registered in dot com. Then at the other end of the spectrum, there is about 65 TLDs, where at least half of the strings do collide, right, so movies are a pretty good example. You can imagine if somebody registered... it is probably the same studio doing it in both cases, but if you registered infinity war dot movie, someone is probably also going to register infinity war movie dot com. Largely, as a brand thing if nothing else. Dot cafe was another example, you can imagine a lot of things called John's Cafe or whatever. Tasty delicious cafe dot com, and now there's also tasty delicious dot cafe. In these TLDs where we do these more specific endings, it's much more common to find that people wouldn't have been able to register in dot com, and instead they are either forced to, or they get the names they want in one of the new gTLDs. There's definitely not the case that it's universally... in many of these other TLDs, we originally made the hypothesis that most people are choosing new gTLDs, even if they could have gotten the equivalent string in dot com, and I've uses Jonathan's big shot photography as an example of that. Obviously there are some TLDs where a lot of people... people might be moving to a new gTLD because dot com is unavailable, but, I say in the last paragraph, overall that's pretty small, that's only about half a million registrations across the 65 TLDs and so the vast majority of registrants, that are registering new gTLDs, generally could have gotten that same term in dot com and that's even true in some of

these more specific TLDs, like club and shop. That's roughly what this addition is, so I guess I'll pause here and see if people have questions or comments.

JONATHAN ZUCK: Any questions? I think this makes sense to me, Jordyn, was this the only to do item you had in the substitution paper itself? Or is there still edits to that as well.

JORDYN BUCHANAN: No I don't think so, I scanned through it and I didn't notice. There may have been but I don't know what it is. I'll leave it at that.

JONATHAN ZUCK: OK. So, we should resurface that at some point to get sign off on that. I sent you a sentence or two since you had the pen on it, I can take the pen back and add that myself, the conversation I had with Brian about the sort of flat demand for second level domains and that almost being by definition a substitution since the demand remain the same and there was just cannibalization. If you haven't made edits to that document I can take the pen back and make that change and we can get that out before the next call.

JORDYN BUCHANAN: I think that probably makes sense, if you just take the pen back, since I decided these edits made more sense in the choice section.

JONATHAN ZUCK: Any other questions folks? On this, it makes sense to everyone? OK. Are there any other changes... I don't know what the threshold here is Jordyn, are there other changes to the choice section that are pending, or do we suggest that the choice section is done being updated?

JORDYN BUCHANAN: There's actually, I somewhat combined missions and then uncombined. One of the things that we had been talking about, and we couldn't get to this. This might be a good segway into the discussion of the, let's call it, the consolidated recommendations, because I tried to... I initially thought, ah, this consolidates with the other... the recommendation at the end of the choice section, which is recommendation 9, which basically just calls for repeating the registrant survey. I thought, aha, this combines with the other things that are being consolidated, in the consolidated recommendation, that's also in the discussion Laureen sent in a not about yesterday afternoon. Then, I changed my mind and decided that this was for the registrant survey and that was for the end user survey, but as Laureen pointed out, that actually says registrant survey, even though I think we mean end user survey. In any chance you will see there's two other changes here. The first one as you see on the screen, the rationale related findings, here in recommendation 9 have been changed. Before it said a lack of understanding of registrant behavior will frustrate whatever we always say, we can't do our job without the data that we need. Here I just tried to expand a little bit and say, we want to have registrant surveys, we need slightly better questions, and we want to like see trendlines over time. Then there's

also, I was trying to do something which we had taken away as an action item from last call, which was, I don't know where the changes... can I control again... alright... up... no flags really mess me up. What I originally done, when I said that this was consolidated, was to, I'll try to highlight even though it doesn't work very well, in this last section here of section 1.2 that to try to like demonstrate how we would call out to the consolidated recommendation by basically saying, hey there's this recommendation and try to related the recommendation directly to the findings, or the discussion of the text around it. To say in this recommendation we suggest that ICANN conducts the periodic registrant survey and explain why, what the motivation is for that particular topic. This is the only place where I tended to do the callout we discussed on the previous plenary with regards to the consolidated recommendation, but I just wanted to call out those two changes as well. This more relates to the second topic on the agenda, but they both got lumped into one... they both ended up in the choice section as opposed to other places.

JONATHAN ZUCK:

OK. That looks like it follows the intention we had of trying to reference back to that consolidated recommendation. It's probably a good segway to talk about it.

JORDYN BUCHANAN:

So, Lauren had made a really good point yesterday, which is like it's confusing right now as it's unclear. Are we talking about the registrant survey, or the end user survey. I think we actually need two

recommendations, one for each basically. I think Laureen still has some concerns about trying to consolidate generally, but Laureen it wasn't 100% clear from your message that whether the confusion was around the [inaudible] topics, or the fact that it was confusing whether it was registrant or end user survey. I think maybe once we split those out, they'll be a little bit clear on what we're trying to do. 9 and 10, as you point out Laureen, relates to the registrant survey, and we're not referencing them there, we're talking about a bunch of other stuff which is probably the end user survey. I think we need to be a little bit more thoughtful and separate those two out probably.

LAUREEN KAPIN:

Yeah, I think that's right. Then I think from you, the purpose would be and how it all pull together as a narrative, [inaudible] topics, even though I appreciate your point which is why I put all this stuff about the registrant survey on one recommendation and all the stuff about the end users in another recommendation. Maybe, perhaps the way to do it is to [inaudible] is still that pieces live where they are currently living and just say, just cross reference to the fact that, this is all recommendations relating to the end user survey are consolidated in recommendation X, but the particular strands relating to this issue are discussed here. That approach I think, might make both the... our goals. Which is to streamline the recommendation [inaudible] clarity.

JORDYN BUCHANAN:

Yeah, no, I think that's right Laureen. That's why I tried to add some text here calling out the recommendation in...

LAUREEN KAPIN: Yeah, yeah. I noticed that.

JORDYN BUCHANAN: To basically say, oh, here's... we recommend doing another survey, here's the goals, here's why we want to do a survey relevant to this particular set of texts, basically.

LAUREEN KAPIN: Right.

JORDYN BUCHANAN: We would want to do that essentially for all the places that are relevant to the surveys. We have to go back like... in all... because right now we've consolidated, even in just your initial consolidation, it was from like three different recommendations in different parts of the text.

LAUREEN KAPIN: That's right.

JORDYN BUCHANAN: My take is where we are now, is that I need to go back and do another swag at like splitting out the registrants and end user surveys, and then Lauren if you want to go back to the sections, the original places where those original recommendations came from and just figure out where the places we need to reference back to the recommendation is. Then

we can figure out how to do that. I'm not as familiar with the safeguards and trust section of the report, and where the genesis for the recommendations came from.

LAUREEN KAPIN: Right. I think in terms of just sequencing, I'd like to see what your further requirement is and then I can go back and figure out how to knit it into the safeguards and trust sections, and you can figure out how to knit it into the consumer choice sections.

JORDYN BUCHANAN: Yeah, that's fine. I should be able to split the registrant and end user stuff out, hopefully today actually. But, in any case very soon.

LAUREEN KAPIN: OK. Good.

JONATHAN ZUCK: You have the pen back again Jordyn, to implement that?

JORDYN BUCHANAN: Yeah, Lauren sent some edits yesterday which I can take a look at, but I think the big part of that is we need to split out the registrant and [inaudible] recommendations.

JONATHAN ZUCK: OK. Which makes perfect sense. Any other questions or comments? Alright, thank you. Jean-Baptiste, what's next on the agenda? Is it the board letter or something else I forgot? Yeah.

JEAN-BAPTISTE DEROULEZ: That's correct Jonathan.

JONATHAN ZUCK: Thanks Jean-Baptiste.

JEAN-BAPTISTE DEROULEZ: [inaudible] on screen.

JONATHAN ZUCK: OK. Most of you have seen this letter from the board, and there was some conversation on the list about it and I just wanted to surface that conversation here. Folks had concerns about it, I think once you read it, it's pretty straightforward that the implications of timing and what else is going on etc, I think are significant, so I think there's some checklists in here to make sure that we aren't establishing timing that is too far out of budget. Carlton's comment is on the previous thing, sorry just saw that. A checklist of things that I think had primarily to do with how we are specifying timing in these recommendations and making sure that we took into account what the budget cycle etc was unless something was of particular urgency. I think most of the other things mentioned in the letter, we're already doing in terms of consolidation and prioritization as we've eliminated most of the outside studies that

didn't have a specific vector back in the policy development, that some were academic in nature and certain change of priority level of others. I wanted to put this on the agenda, in case there was anything that stuck anyone that they wanted to talk about related to this letter? I know that... I'm trying to think.. it was [inaudible] and Carlton maybe, that had made some contributions to the list about it and I just forgotten what they were.

JORDYN BUCHANAN: Jonathan, it's Jordyn.

JONATHAN ZUCK: I see your hand up, I'm sorry. Go ahead.

JORDYN BUCHANAN: No worries. I was just going to say, that I think we need to a scrub, and I'm definitely not volunteering to do this since I have so many of the other action items, but if someone wants to it would be great. We do need to do a scrub of the recommendations, to be sure that they're not overly prescriptive in terms of...

JONATHAN ZUCK: How they're implemented.

JORDYN BUCHANAN: Yeah, exactly. I think someone should go through all the recommendations and just see, are there recommendations... like I say

we can't dictate, but like the way to do it is to renegotiate contracts and something like that, so... it's probably worth someone doing, just someone not me.

JONATHAN ZUCK: I guess I can take a look at that particular aspect, especially when we come to a point of rest on this. I think we need to make a note to do that scrub. But, once we have the recommendations in place I'm happy to do a linguistic scrub to make sure that things are phrased in a way that's open ended in terms of their implementation. Thanks Carlton, I think you're right. Any other thoughts or questions or comments on letter from the board, concerns? OK.

LAUREEN KAPIN: Hi Jonathan, it's my hand. I often don't look at the hands either?

JONATHAN ZUCK: Go ahead Laureen, sorry.

LAUREEN KAPIN: That's OK. It seems to me... it's a little ambivalent actually, but there was some concern about using... about suggestions using the contract as a vehicle to mandate data collection and having a back up plan. I just noted, it seems to me the letter was somewhat contradictory in that regard [inaudible] weird.

JONATHAN ZUCK: That there was concern over using contracts for data collection?

LAUREEN KAPIN: Yeah, can we just get independent scrolling right? I'm stuck on the first paragraph of this letter, I had to go to the other one to actually scroll down. To the start the [inaudible] OK. [inaudible] data collection. The review team recommends amending the RAA and [inaudible], this is the part. They're saying some have expressed concerns, they believe that it's within our scope but we should have a backup plan, and [inaudible], in case it can't be done to new contractors. It seems to me that it's a very ambivalent communication there.

JONATHAN ZUCK: I think it falls back under the category of not being prescriptive in terms of implementation. In other words, specify data that we need to get and leave it to ICANN org to figure out the best way to get the data. I think is what they're... is how this is broadly summarized. There's a lot going on right now with GDPR and everything like that, that puts the contracts front and centre, right? I think they're concerned that we're making specific recommendations about using the contracts as a way to collect data and, you know. Maybe it ends up being a, for example, or something like that, but opposed to our recommendation being, amend the contract to do X. It can be, it's really about, get this type of data, start collecting this type of data.

LAUREEN KAPIN: Right, but I would point back to our problem and frustration throughout the review team, has been, oh we can't force anyone to provide that data. That's been part of the frustration, which is what led us to the suggestion of a contract change in the first place.

JONATHAN ZUCK: For sure.

LAUREEN KAPIN: Trust me, we'll take care of it approach, I'm a little apprehensive about.

JONATHAN ZUCK: Yeah but we all know there's a lot of uncertainty associated with contract negotiations and the timing of the contract negotiations. So if we make a recommendation that the board endorses that says the organization is going to find this data, then it maybe that it will be done through screen scraping on a broader scale than the analysis group is able to do, and over a longer time frame that that data is available, because they'd rather do that than tred into these waters in the contract negotiations. I mean, I guess that's the point. If we say that data needs to be collected, and the board endorses that recommendation, then they will have to do something to get it.

LAUREEN KAPIN: Right. No, I mean I understand the concerns and I'm just expressing mine. I do agree with the general point which is that, as long as the data is collected, we're agnostic as to how it gets done. We're not agnostic as

to whether it gets done, and I think that really has been [inaudible] recommendation about a contract change being first blush, that seems the most [inaudible] way. But, I take your point and the boards concerns.

JONATHAN ZUCK: Thanks Lauren. Jordyn, is that a new hand?

JORDYN BUCHANAN: It is yeah, I was just going to say. I think we can address this in the way we frame the recommendation, by basically saying, we were frustrated, the lack of contracts, made it impossible for us. So, a contractual change is like one avenue to do it, but of course, ICANN if you're smarter than us and can figure out a different way, then more power to you, but it's really important to get this data.

JONATHAN ZUCK: Exactly. Might be not those exact words, because I don't think anybody is smarter than you Jordyn.

JORDYN BUCHANAN: You should come meet my co-workers.

KAILI KAN: Hello?

JONATHAN ZUCK: Kaili, yes.

KAILI KAN: Hi. I just want [inaudible] in the letter the board mentioned about budget constraints and ICANN goes to budget cuts and however our report calls for quite a lot of data collection. That seems to worry the board for budget reasons, besides other reasons. So, I'm wondering if the board is specific on the data collection recommendations based on budget. If that concern is specific to our review or has the board [inaudible].

JONATHAN ZUCK: I think that we're not in the best position to make recommendations based on our perception of the future of the budget, because that's a long drawn out process. I think our point is that we were unable to do the job that we were asked to do in that another team will be asked to do. I think we can make the case that the evolution of the gTLD program, would be improved by more data and better understanding of different aspects of the program and how they're improving consumer choice and competition. There are certainly those within the community that don't believe that we need any of these justifications to continue to expand the name space. Obviously there are those who continue to be concerned about the defensive, the most defensive registration, or expanded monitoring, or whatever it is, associated with it, and I don't think we came up with a clear cost benefit analysis, necessarily as we didn't have good data on either end really. But, it's fair to suggest that some level of cost benefit analysis might take place in the future to

better help us to understand the programs that we're putting in place. I think we can make that case that goes beyond just making it easier for the next CCT review, but underscore the significance of the CCT review, without necessarily being overly prescriptive. As Jordyn mentioned, I think we can use contract amendment as an example, and say outside research is an example that may cost more and then the budget considerations can come into play in the implementation. That's my thought. I welcome further thoughts from you, but that's my reaction to your comment.

KAILI KAN: Yeah, well. I just want to [inaudible] receive any feedback from the board, or board members so far?

JONATHAN ZUCK: Say that again, have we seen what?

KALI KAN: Have we received any feedback from the board or board members so far?

JONATHAN ZUCK: I think this is their feedback.

KAILI KAN: Because this feedback seems somewhat worrisome, and does not seem to be terribly positive, as I see it. That's all. Thank you.

JONATHAN ZUCK: Kaili, I appreciate your concern and I share it to some degree. I also know that we've done a lot, I think, to decrease the overall costs of our recommendations. We've been consolidating and eliminating a lot of third party reports that we'd originally recommended. I think they're still reacting to an old set of recommendations with this advice. When all is said and done, we can only do what we do, right. We can't force the board to do anything and we have to be honest about what we think needs doing.

KAILI KAN: Thank you.

JONATHAN ZUCK: Thank you. Other questions or... Jean-Baptiste, go ahead.

JEAN-BAPTISTE DEROULEZ: Thank you Jonathan, sorry. I just wanted to jump in and just notice Kaili question on feedback from the board, and I just wanted to clarify the background behind this letter. The review team was supposed to meet with the board focus group back in [inaudible] and as I recall there was no meeting. The board focus group, it was agreed that they would send feedback every time there was a public comment, and so the reason why they are sending this letter and also just if the review team wishes to organize a [inaudible], just to ask for clarification, this is also possible. [inaudible].

JONATHAN ZUCK:

Thanks Jean-Baptiste. Other questions or comments about the letter? OK, so Jean-Baptiste we have a to do item, once we have a consolidated set of recommendations to do a scrub based on timing and on prescriptiveness of the recommendation so we'll go through that process as we consolidate the report. Jean-Baptiste, I guess while I've got you on the call. Maybe, send me what you believe to be the last, most recent version of the substitution report and I'll make the final set of edits on that for the next plenary. I think we are then at any other business. Does anybody have any? OK. Seeing no hands or raised voices, then I will call this meeting adjourned. Thank you very much for the discussion.

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