
JONATHAN ZUCK: Hello, everyone. Is there anyone that's on the phone line that is not on Adobe Connect? Okay, and is there anybody with an update to their statement of interest? Alright. So the first thing that I guess we wanted to do is go over the – I don't know, help me out, Jean-Baptiste, I thought the first thing on the agenda was going over the merger of 15 and 17.

JEAN-BAPTISTE DEROULEZ: Yes, thank you, Jonathan. Unfortunately, there was no update from David on that, so I believe this is still in progress, so there are discussions right now between David and Jordyn on this merge. So we're not in a position to provide that on today's call, but we'll make sure this is reviewed via e-mail and sent to the review team as soon as possible.

JONATHAN ZUCK: Okay. We're close, down to one sentence. Thank you, Jordyn. That's excellent. I'm excited that we potentially found a way to get a consensus. Okay. Then I guess Jean-Baptiste, you were going to lead us through some of the tracked changes that were made in the report that was circulated so that people could see the changes and speak up if they have issues with them.

JEAN-BAPTISTE DEROULEZ: Yes. Thank you, Jonathan. And I hope everyone can hear me clearly. So there were several changes that were received. Some important ones, and mainly, the changes were [concerning] the executive summary, the

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data-driven analysis section, the competition section, the consumer trust, and the safeguards section.

So just starting with the executive summary, there were a few edits from Jonathan, David and Jamie. Starting with the first one, which is really a quick one, it's just a change of words [inaudible] to change – to update the text to “Have been fully realized,” and I see that unfortunately, comments are not showing properly. I don't know if Brenda, is there a way you can help on that? Just one second.

Yeah, sorry. So here, it was [recently for that] “The full effect of the program may have not yet have been fully felt,” and so Jamie suggested using “realized” instead. Are there any objections to that?

JAMIE HEDLUND: I feel [inaudible] strongly about –

JONATHAN ZUCK: Yeah, that was [inaudible] actually, but I think it's fine. The change is fine.

JEAN-BAPTISTE DEROULEZ: Okay. Moving on to the next one, which is on the following page. Oh, god. Okay. None of the changes are registering. And that's from you, Jonathan, so you have removed the text [inaudible] screen and have modified this sentence to read as, “Early indications are less inclined to rely on defensive registrations – i.e., registering a domain simply to prevent others from doing so – than in the past. It's not clear whether

this is the result of the new rights protection mechanism or simply the sheer volume of new gTLD, [inaudible] right holders are engaging in increased monitoring, case-by-case resolution mechanic.” Laureen, you have your hand raised.

LAUREEN KAPIN: Yeah. There seems to be a subject missing. Early indications are less inclined? We have a missing word there.

JEAN-BAPTISTE DEROULEZ: Let me check, but I believe, this is what I had.

LAUREEN KAPIN: Right. You may have that, but it doesn’t sound right.

JEAN-BAPTISTE DEROULEZ: No, I’m double checking that. Just one second.

LAUREEN KAPIN: Yeah.

JONATHAN ZUCK: I think you're right, Laureen. I think it should be “Early indications are that rights holders are less inclined.”

LAUREEN KAPIN: Okay. Yeah, that would make sense. I just want to make sure we didn't have a missing subject there.

JONATHAN ZUCK: You're right. [I think it's that.] Did you get that, Jean-Baptiste? I don't know how to make an edit, but it should be "Early indications are that rights holders are less inclined."

JEAN-BAPTISTE DEROULEZ: Yes. Yeah, that's correct.

JONATHAN ZUCK: Okay.

JEAN-BAPTISTE DEROULEZ: Perfect. Moving on to the next one.

LAUREEN KAPIN: I think Waudo has his hand up.

JEAN-BAPTISTE DEROULEZ: Yes. Sorry, Waudo. Go ahead. Waudo, we can't hear you. [Citation] for the early situations.

LAUREEN KAPIN: I think he means early indication.

JEAN-BAPTISTE DEROULEZ: Early indications. Jonathan?

JONATHAN ZUCK: Waudo, are you asking for citations for the idea that there's early indication? This is the executive summary, so it doesn't go through and repeat all the same footnotes as the safeguard page. Okay. Alright, let's move on.

JEAN-BAPTISTE DEROULEZ: Alright. Can we move on? Perfect. So, on page eight, so [that's there] one edit from Jamie and one comment from [inaudible] here. And if we can show the comment [inaudible] Alright, I think – yeah, sorry, [going to one] which is on this page, which is – so Jamie suggested deleting “The inherently subjective concept of” which is [inaudible] between measuring and trust, so “The inherently subjective concept of trust.” So that sentence before “trust” was removed, and he suggested adding here “Given the difficulty of defining and measuring trust.”

JONATHAN ZUCK: I don't feel strongly about that.

JEAN-BAPTISTE DEROULEZ: Are there any objections?

JONATHAN ZUCK: Laureen, does that seem fine to you?

LAUREEN KAPIN: No, the only thought I have is that the word “subjective” really, in my mind, [inaudible] the need for – this need for a proxy. It wasn’t just that it was hard to define and measure, it’s that it was subjective. So I don’t have to fall on my sword on this, but I don’t know that the change actually captures that concept.

JAMIE HEDLUND: I guess trust, to me, doesn’t seem to be inherently subjective. It is hard to define. There are objective components to it. It is a little like the famous Justice Martha Stewart on pornography, “You know it when you have it.” That doesn’t mean it’s necessarily subjective, because there are objective measures of trust, right? But in this context, it’s hard to sort of pin down. I don’t feel that strongly about it either. That’s just what my thinking was.

LAUREEN KAPIN: I think it’s fine.

JEAN-BAPTISTE DEROULEZ: Perfect. So I just shared my screen, maybe that’s easier so everyone can read the comments. I don’t know why [inaudible] Can everyone see alright? Is it readable, or should I zoom in a little bit?

LAUREEN KAPIN: Maybe a little bigger.

JEAN-BAPTISTE DEROULEZ: Okay. Happy to do so.

JAMIE HEDLUND: For the record, I just want to say that two years ago, I didn't use reading glasses, before this review started. Now I do.

LAUREEN KAPIN: We've driven you to this, Jamie.

JEAN-BAPTISTE DEROULEZ: Okay, so moving on to the next page, there are a few more edits from Jamie. So here, adding some of the [malicious] abuse issues, replace “not universally [plague] all new gTLDs” with “not universally persist in all new gTLDs.” Can you comment on that [for this full group?] Okay, hearing none, for the next paragraph. So here, the word [inaudible] before abusive activities [inaudible] TLDs, and then Laureen added, “And improve the security of the DNS.” Before, it was just reading, “And improve the DNS.” Any comments on that?

Okay. And then at the end of this section, just before the application and evaluation one here, Laureen added, “It remains unclear how effective enforcement [inaudible] perspective.” Any questions? Any objections? Okay, moving on to page ten. So here, on the [RD] right protection mechanism section, so David has made several changes. So

it's more text regarding the issues and [concerns] with the INTA survey, and he also takes on board criticism of the NCSG. So all the different edits from David appear in red. I will just maybe give you one minute just to read this paragraph. So if you have your document open as well, it's on page 11.

LAUREEN KAPIN:

Are you giving us scrolling, or are you going to scroll?

JEAN-BAPTISTE DEROULEZ:

I can't give you scrolling because I'm sharing my screen, but I'm giving you just a minute to read these two paragraphs. Okay, I see already a comment from Calvin saying that on the first line, that should say, "Where meant to stand" instead of "The option for where to stand alongside [inaudible] right protection mechanism." Hi, Carlton. We are not silent, the review team was given one minute to review the edits from David on the right protection mechanism paragraphs [inaudible]. Are there any objections to these two paragraphs that were modified by David? Yes, I see your hand. Go ahead, Laureen.

LAUREEN KAPIN:

That's okay. I thought also the length of the survey was one of the issues. In fact, that's what I remember being a big issue. But we don't mention that, and I'm wondering in the last sentence if we want to add that concept, the length of – the complexity of the questions, the length of the survey and survey methodology, and just get the concept [inaudible] that it was a really long survey in there. Is that what other

people recall? I know David's not here on the call. Anyway, that would be my proposal, subject to David's veto.

JONATHAN ZUCK: I will speak for David and say I don't care, so go ahead and make the change that Laureen recommends.

JEAN-BAPTISTE DEROULEZ: Can you please say that again, Laureen?

LAUREEN KAPIN: Sure. For the last sentence, "Subsequent feedback suggests that the complexity of the questions, the length of the survey," and then the rest of the sentence as is. Yeah.

JEAN-BAPTISTE DEROULEZ: Okay. Perfect. Unless there are any other objections, let's move on to [inaudible] edits. So, what you see in red, [these are] comments that the text that was modified by David, and the rest of it are additions or edits from Jamie. So I'll let you – I'll give you another minute to quickly read that and share any objections.

LAUREEN KAPIN: I just have an informational question that I'm jumping in with before we get to [inaudible]. So, has David had the chance to take a look and weigh in on this? Because some of these are substantive.

JONATHAN ZUCK: Laureen, you received the document. I guess I don't know the answer to that in terms of what it is...

LAUREEN KAPIN: Okay, then I'll be more clear.

JONATHAN ZUCK: Having [inaudible] right?

LAUREEN KAPIN: Yeah, I guess my ask then is it would be good to actually have David approve these. For example, when we're stating our primary considerations for domain registration by brand owners appears to be substantive.

JAMIE HEDLUND: If we're talking about the last sentence in that first paragraph, "By brand owners appears to be defensive," it's the brand owners who participated in the survey, right? That's a pretty big statement, "The primary consideration for domain registration by brand owners appears to be defensive." And I just wonder whether you can make that conclusion or even suggestion based on a survey that had only 33 respondents.

LAUREEN KAPIN: Okay. You want to qualify it more. Okay.

JAMIE HEDLUND: Right. And I think in a lot of the section, there's appropriate qualifications, and where I had put in edits [inaudible] including those places where there – like in this where there seems to be a broader statement than is supported by the data to qualify it.

LAUREEN KAPIN: Got it.

JAMIE HEDLUND: The statement may in fact be true, it's just the survey was [inaudible].

LAUREEN KAPIN: I'm sorry, you just cut off there.

JAMIE HEDLUND: Not important.

JEAN-BAPTISTE DEROULEZ: Kaili, you have your hand raised.

KAILI KAN: [inaudible] in particular, only 17% of respondents [inaudible]

JEAN-BAPTISTE DEROULEZ: Kaili, I'm afraid we can't hear you properly. Would it be possible to type your question or your comment?

KAILI KAN: Yes. [inaudible] in particular, only 17% of respondents had registered names in the new gTLD for the first time a new gTLD. [inaudible]

JEAN-BAPTISTE DEROULEZ: Kaili –

KAILI KAN: [inaudible]

JEAN-BAPTISTE DEROULEZ: Kaili, I don't know about others, but I couldn't understand what you asked. Could you type that in the chat, if possible? Thank you.

KAILI KAN: Yes.

JEAN-BAPTISTE DEROULEZ: Jamie and Laureen, based on what you just said, is there any edits that you would like me to type?

LAUREEN KAPIN: Not from me.

UNIDENTIFIED MALE: [Jamie.]

JAMIE HEDLUND: Sorry. So for me, it would be great – I'm not going to die on my sword over this, but – if in the second to last line of that paragraph, “Primary consideration for domain registration by brand owners who participated in the survey.” But again, we make the point in a lot of other places, so it’s not life or death.

JEAN-BAPTISTE DEROULEZ: Okay. And I see that Jordyn has his hand raised. Is there anything you’d like to add, Jordyn?

JORDYN BUCHANAN: Yes, sorry. Two things. First of all, I like Jamie’s change to the second half of that sentence, and I think we should get rid of the words “brand owners,” “for brand owners” in the first half. Based on the discussion in chat, it seems like we [inaudible] first half of that last sentence where it says, “While one of the stated purposes of the new gTLD program was to create greater choice,” we don’t need the “for brand owners” there. I think in the chat, we all agreed that that wasn’t explicitly for brand owners per se, it was a general goal.

JONATHAN ZUCK: I wonder if there were just meant to be a comma there and that would have already have been – and brand owners just got put in.

JORDYN BUCHANAN: Right. Yeah, that might be it. In any case, that’s probably what happened originally, Jonathan, and then it got – now we have brand owners twice in there, so I’d just get rid of the first one.

JEAN-BAPTISTE DEROULEZ: So this one, right?

JORDYN BUCHANAN: No.

JEAN-BAPTISTE DEROULEZ: No.

JORDYN BUCHANAN: In the very last sentence of that paragraph.

JEAN-BAPTISTE DEROULEZ: Oh, sorry. Yeah, this one.

JORDYN BUCHANAN: Where it says “for brand owners.” [Nope.]

JEAN-BAPTISTE DEROULEZ: Sorry, I can't seem to read it [inaudible]

JORDYN BUCHANAN: Where it says, "While one of the stated purposes of the new gTLD program was to create greater choice," put a comma there and delete the "for brand owners."

JEAN-BAPTISTE DEROULEZ: Oh, sorry. Okay. Sorry about that.

JORDYN BUCHANAN: No worries. A couple other things about this. The second sentence doesn't make any sense to me. "The survey found [inaudible] –" No, sorry, the third sentence. "In particular, only 17% of respondents have registered names in the new gTLDs for the first time in the new gTLDs." What? I don't understand what that means. Maybe – I think Kaili is saying the same thing. Kaili and I are both confused by the first half of the sentence.

JONATHAN ZUCK: So I think it's meant to say that only 17% of respondents had registered domain names for the first time in the new gTLDs as opposed to duplicating existing domains they already had.

JORDYN BUCHANAN: Right, so we just get rid of the second –

JONATHAN ZUCK: [inaudible] suggesting they're defensive, right?

JORDYN BUCHANAN: So you just get rid of the second "in the new gTLDs." And I understand –

JEAN-BAPTISTE DEROULEZ: Okay. [inaudible] Yeah, go ahead.

JORDYN BUCHANAN: Jamie is trying to deal with this third sentence, but I don't actually like the way this parses. This suggest that the defensive registrations may remain an issue considering the effectiveness of the new gTLD program in providing choice. I don't know what that – I would say something more like, "This suggests that defensive registrations may remain an issue." I don't know. I like how it was before. I would leave Jamie's "may," but the rest of it, I don't really know what it means. [inaudible] the effectiveness of providing choice, I don't think it really speaks [to] other than for brand owners. I just think it's reasonable to say that defensive registrations [inaudible]

JONATHAN ZUCK: [inaudible]

JEAN-BAPTISTE DEROULEZ: Okay, Jordyn. So, can you clarify which section you'd like me to remove?

JORDYN BUCHANAN: So I would accept – so in that sentence that starts, “This suggest the defensive registrations,” I would accept Jamie’s first change and reject the last two. That’s what I would do. I don’t know if other people have opinions. Laureen said plus one.

JONATHAN ZUCK: I agree.

JEAN-BAPTISTE DEROULEZ: Okay, so just remove “in providing choice.”

JORDYN BUCHANAN: No, [inaudible] considering the effectiveness. Just keep the “may” and get rid of the last two. Yeah, and then get rid of the “in providing choice.” Yeah, there you go. [Got it.]

JEAN-BAPTISTE DEROULEZ: Thank you. Any other comments on this paragraph? Okay. What about the following one?

JONATHAN ZUCK: I hate to do this, but I guess we should probably just highlight the change that Jamie made with respect to people that participated in the survey. The previous paragraph, run that in front of David, because it

occurs to me that including it more generally because of the other statistic as well, and not just because of the survey.

LAUREEN KAPIN: Yeah, I would –

JORDYN BUCHANAN: What other statistic, Jonathan?

JONATHAN ZUCK: The 17% statistic, I think, is the other one that he's using to say that it was primarily [defensive].

JORDYN BUCHANAN: Is that not from the survey?

JONATHAN ZUCK: Oh. Could be.

JORDYN BUCHANAN: [inaudible] I think they're both from the survey.

JONATHAN ZUCK: Okay. Mever mind. Forget I said it.

LAUREEN KAPIN: So whose language is in red? Because it looks like Jamie has only added some of this, but there's more language. Is that dated language? I'm a little confused.

JEAN-BAPTISTE DEROULEZ: So Laureen, the text in red without any comments on the side is from David indeed.

LAUREEN KAPIN: Okay.

JEAN-BAPTISTE DEROULEZ: So Jonathan, can you [inaudible] next step here?

JONATHAN ZUCK: Sorry, say that again.

JEAN-BAPTISTE DEROULEZ: Can you clarify for me what is the next step on this paragraph?

JONATHAN ZUCK: Oh, I'm sorry, I didn't have anything. I didn't have anything to – I was mistaken about the previous [inaudible].

JEAN-BAPTISTE DEROULEZ: Okay. Then [inaudible]

JORDYN BUCHANAN: One thing, the sentence about privacy and proxy services seems kind of strong to me. Like this is talking about trademark protection, and suddenly we start to talk about safer DNS. I don't know where that comes from. I don't want to do this on the fly, but I can suggest some further edits to this, I think. But I don't really agree that we should suddenly include a discussion of safety and security in the discussion of trademark abuse.

JONATHAN ZUCK: Yeah. In a sense, the statement is not that strong. It comes off as strong, but basically saying that most of the cases of domain disputes involve privacy proxy, but the reverse wasn't true. Right? That's the... [inaudible] you see what I'm saying?

JORDYN BUCHANAN: So the way the text read before seemed totally fine, which is to say a lot of them involved privacy and proxy services, that's something that we need to research more. But now we have these statements about, "Are they serving the best interest of the..." You know, our best interests generally, and then safety and security of DNS. I don't know, just seems to really raise some questions that aren't actually suggested by the survey.

JONATHAN ZUCK: [inaudible]

CARLTON SAMUELS: Can I say I don't think that sentence actually stops you looking at patterns of abuse? A privacy proxy registration does not stop you seeing that there's a pattern of abuse, you'll know that the privacy – you'll know who's using the privacy, you'll know who the registrar is and what purpose. You would know the purpose for which that registration was being used, so I don't see that in itself as hindering extracting information about patterns of abuse.

JONATHAN ZUCK: Well, Carlton, I think the reason that it's difficult to look at patterns is because you don't know if any two domains are registered by the same entity. That's the pattern that you're missing, whether a particular registrant –

JORDYN BUCHANAN: A particular pattern. Right, so Carlton's right that other kinds of patterns can be discerned. Like you can see a particular privacy provider.

CARLTON SAMUELS: [inaudible]

JONATHAN ZUCK: I suppose so. I think it turns them into isolated cases because you can't see the relationship. I don't know what type of pattern you're thinking of,

maybe I'm missing something, but what's the pattern that you would see – you can't see a relationship between domains.

JORDYN BUCHANAN: You could see whether they're registered – go ahead, Carlton.

CARLTON SAMUELS: All privacy proxy does is conceal the name of the [inaudible]. That's all it does.

JONATHAN ZUCK: That's right, but that's the one thing that actually ties registrations together.

UNIDENTIFIED FEMALE: [inaudible]

JONATHAN ZUCK: And I'm not necessarily disagreeing that the survey shouldn't be relied on, as Jamie said, to make this claim. I'm just saying that I believe that a high degree of privacy proxy in disputes, if true, does stymie a little bit pattern assessment because those registrations cease to have any relationship. What patterns are you guys thinking of?

CARLTON SAMUELS: If the registrar is the same, that's a pattern to look at, where they're coming from. The location of the registrar, that's something that we

could look at. Those kinds of things are important too because we want to look at bad registrars and so on. It would tell me also, I could look and see what are the variants of the brand name that have been registered. All of these things are patterns.

LAUREEN KAPIN: Can't we asked David just to clarify this. If he's talking about patterns of abuse based on attribution, that there's a lack of attribution to common registrants, then that's what he should say. If he's talking about a different sort of pattern, he should say that. This is just a lack of clarity.

CARLTON SAMUELS: That's what I'm saying, Laureen. I think that that is one attribute, and then that's what we're saying [inaudible] because there are lots of other factors.

LAUREEN KAPIN: Right. So maybe we need to ask David to clarify that. If the intent is to talk about the fact that you can't identify a common actor because of the use of privacy proxy registrations, I think that can be more clearly expressed.

JONATHAN ZUCK: Yeah, so let's just add that [clause] right now and then find out if David objects [to it.] I think just asking him to clarify is going to be a long conversation.

LAUREEN KAPIN: So we are assuming then that – and I think logically that he means privacy proxy services making it difficult to assess patterns of abuse based on common actors?

JONATHAN ZUCK: Yeah. Patterns of abuse by a single actor or something like that.

CARLTON SAMUELS: Yes. That's what that would say to me, because all the privacy proxy does is to conceal the name of the beneficial registrant.

LAUREEN KAPIN: Or making it difficult to assess whether this abuse is tied to common actor.

CARLTON SAMUELS: That's an even better clause.

LAUREEN KAPIN: So Jean-Baptiste, I'll repeat that.

JEAN-BAPTISTE DEROULEZ: Yes. Thank you.

LAUREEN KAPIN: Making it difficult to [inaudible] whether this abuse is tied to common actors. So we're getting rid of patterns and we're just saying making it difficult to assess whether this abuse is tied to common actors or whether [inaudible] common actors.

JORDYN BUCHANAN: Does the survey even get at any of this though? I just feel like we're wildly extrapolating. Like the survey said there's a lot of privacy proxy – before, it says that's an issue that we should research more, and now we're like trying to ascribe additional meaning to the survey that's not actually present in the survey. The way it was before seemed like much less problematic to me than what we're trying to do right now.

JONATHAN ZUCK: Yeah. I guess he's trying to editorialize on the impact of this data, right? So what we're doing is reigning in that impact statement, and then as you say, if you think it's too alarmist to say the rest of the research, then we can end that clause as well and then he have him come back and defend it if he wants to.

JORDYN BUCHANAN: Yeah. I don't know. I guess I'm not convinced that having [inaudible] like my trademark [folks] and listening to how law enforcement looks at patterns, they don't particularly rely on the registrant to figure out whether there's patterns of abuse from a particular actor. I'm not really sure. I guess this just seems to be [extrapolating] more than the data actually suggests and gets into a whole debate about privacy and proxy

that wasn't really present in our survey or our discussions. I'm not sure why we're bringing this broader debate from ICANN where we don't have any particularly new information to add, other than the fact that 75% [inaudible] involved [inaudible]. Just seems like a factual statement.

JONATHAN ZUCK: Right. It's a can of worms for sure.

LAUREEN KAPIN: Honestly, I don't think there's a problem with this "furthermore" sentence, because that's just stating a fact. When people use privacy proxy services, by definition, unless you can get further information via legal process, you're not going to know who's behind the domain. That's the whole point. So I think that sentence [inaudible] saying anything more than stating a fact. Now, the second sentence –

JORDYN BUCHANAN: That's not what it says though.

LAUREEN KAPIN: [inaudible] suggests the need for further research. I'm not sure that necessarily follows from the survey, but I don't think there's anything wrong with that furthermore sentence.

JORDYN BUCHANAN: I agree that you can't tell who the registrant is if there's a privacy proxy service. I don't agree that it's – to Carlton's point earlier, the thing you can't tell is who the registrant [is.] It does not mean that you can't tell that it's a common actor, right? Like if a bunch of names are all registered at the same time with the same registrar with the same IP address, you don't need to see that it's the same registrant in order to be convinced that that's the same actor.

LAUREEN KAPIN: Well, we may have other ways of knowing, but wanting to know definitively, we would look to the – wanting to know definitively at least [inaudible] you would look to the registration data.

JORDYN BUCHANAN: That is true. So if the statement were 75% of these cases involve [inaudible] register the domain name using privacy proxy services, making it difficult to definitively identify the registrant, then that would be correct. But that's not what it says.

JONATHAN ZUCK: Okay. I think it's difficult to talk Jean-Baptiste through this change, but I think we can address Jamie's statement by saying the survey suggests that as many as 75% of domain abuse cases involves entities. I think that will resolve Jamie's thing. And then if we [give] Lauren's next edit, that resolves Jordyn's issue, and then we'll get rid of this sort of overreaching statement about systems, whether they're serving the best interest and just say need for further research.

LAUREEN KAPIN: Yeah, I think that's [inaudible]

JONATHAN ZUCK: That make sense to everybody? Okay, so Jean-Baptiste, I'm sorry that you're stuck editing this here. But up here where it says, "Furthermore, the survey reveals," it should say, "The survey suggests that as many as" – so instead of more than – Jamie, does that get you whole? Okay. Alright, and so then two sentences below, "This results suggests the need for further research," and then just put a period after that.

So you just added more – we already had "this result." You don't need to add the word "result."

CARLTON SAMUELS: [inaudible]

JONATHAN ZUCK: Sorry. "Suggest the need for further research," period.

CARLTON SAMUELS: Period, and [skip] all the rest.

JONATHAN ZUCK: So after "further research," put in a period. [inaudible]

CARLTON SAMUELS: [Period.]

JONATHAN ZUCK: And then just get rid of the rest of the sentence.

CARLTON SAMUELS: And that would address Waudo's question about the systems.

JONATHAN ZUCK: Okay.

JEAN-BAPTISTE DEROULEZ: Did I capture that correctly, Jonathan?

JONATHAN ZUCK: I think so, yes.

JEAN-BAPTISTE DEROULEZ: Okay. Were there any other objections to this paragraph?

JONATHAN ZUCK: No. I think the rest is Jamie just sort of softening the [language for] the survey.

JEAN-BAPTISTE DEROULEZ: Okay.

JONATHAN ZUCK: Okay. Again, let's point David to this and he can object if he wants to.

JEAN-BAPTISTE DEROULEZ: Yes. Will do. On the next paragraph, so at the end of this section, there are two text edits from Laureen, suggests removing those two words and minor edits to the text. Unless there are any objections, I'll move on. Okay, and there, maybe Jamie, you want to jump in about the footnote that you have added.

CARLTON SAMUELS: [inaudible]

JEAN-BAPTISTE DEROULEZ: Sorry? [inaudible]

CARLTON SAMUELS: [inaudible]

JONATHAN ZUCK: Right.

JEAN-BAPTISTE DEROULEZ: Jamie, are you still on the phone?

JAMIE HEDLUND: Yeah. Sorry, I was disconnected. Did I miss something?

JEAN-BAPTISTE DEROULEZ: Yes.

JONATHAN ZUCK: [inaudible]

JEAN-BAPTISTE DEROULEZ: [inaudible] jump in and –

CARLTON SAMUELS: Who's [inaudible] so often?

JAMIE HEDLUND: I –

JONATHAN ZUCK: So Jamie, it was just about the footnote that you added. Sorry.

JAMIE HEDLUND: Oh. Yes, go ahead.

JONATHAN ZUCK: No, did you want to say anything about it? Go ahead.

JAMIE HEDLUND: Yes, so this footnote, and then update in the section on recommendations regarding compliance reporting. I guess I want to start with a couple things. Number one, when recommendations were first drafted, it was very early on, I believe [inaudible] the CCT-RT, and since then, Compliance has enhanced our reporting. And so I did not want to change any of the recommendations, I did not want to suggest whether or not what Compliance has done has met the recommendations, and I'm not in an objective place to do that, but I did [thought] it would be relevant to include acknowledgement that a lot of changes have been made since these recommendations were done and that there is reporting of data that was not there before the CCT-RT came into existence. And it was implemented after these recommendations released in draft form.

JONATHAN ZUCK: So thanks, Jamie. And I definitely think it's relevant. And I guess the question I have is twofold. One is we've been looking at some of the recommendations that are directed at the subsequent procedures working group.

JAMIE HEDLUND: Right.

JONATHAN ZUCK: And decided to leave them in and say that they've already begun this work, right?

JAMIE HEDLUND: [Okay.]

JONATHAN ZUCK: And so that's – I guess we consider a good sign that we've been getting these recommendations out there and they're following them in a sense, right?

JAMIE HEDLUND: Yes.

JONATHAN ZUCK: And so then the question [I guess] is, do you have a sense of whether there's any mapping between these enhancements and the early recommendations of the CCT-RT? In other words, [is it] likely that dramatic progress is made towards addressing the recommendation, or was it orthogonal to the recommendation? Does that question make sense?

JAMIE HEDLUND: Yeah. So I think –

JONATHAN ZUCK: With a little bit of work, could we in fact make a statement that was stronger? Does that make sense?

JAMIE HEDLUND: Yeah. And again, I was as little trepidatious about doing that because I didn't want to appear like – because obviously, I'm interested. But in the later sections, in the recommendations themselves – we're still in the executive summary, right?

JONATHAN ZUCK: Correct.

JAMIE HEDLUND: It lays out more of the changes, the blogs that it refers to have even more detail on the changes that have been made. I think that to a large extent, a lot of the recommendations have been met. Again, that's not for me to say, but I think a lot of things that were asked for in the recommendations are now present in the new reporting. I don't think it's complete. There are some things like correlating the category one strings and PIC reporting is not done. They're done separately. There haven't been a lot of PIC disputes. So there isn't the [inaudible] that I think is asked for in the recommendations. That's just one example. But there's a lot of stuff that is there, and so again, I wanted to call out that these changes have been made without me personally making any judgment about whether or not they meet the recommendations. But I think if you look at the substantive recommendations or the substantive part of the document with the recommendations, some of that is called out in more detail than just that footnote.

JONATHAN ZUCK: Thanks, Jamie. Lauren, maybe I can direct this – [is Lauren on still the call?]

LAUREEN KAPIN: Yeah, I'm here.

JONATHAN ZUCK: Oh, I'm sorry. I couldn't see you in the – oh, yeah, you're up at the top because you have your hand raised. Okay, so maybe I'll call on you. But let me preface by saying that I guess I have an interest in this being a positive for the report rather than a negative. In other words, one way of representing this is that the report was overtaken by an inevitable sequence of events, and the other was that Jamie having been intimately involved in [these reacted] to these recommendations and has begun to implement them, and is part of the way along in doing so or whatever, and that is a much more positive spin on the current state of affairs than, "Oh, by the way, this has been rendered moot." So it's a very subtle change in language, and it may require a bit of work to determine the degree to which the recommendations have been addressed, but I think it might be worth doing for that reason. So Lauren, I'll pass the microphone to you.

LAUREEN KAPIN: Jamie could speak to this more than I could, but my sense is that there was a causality between our comments and these changes, so it is a positive thing. But as Jamie says since he doesn't want to be in the position of passing judgment about whether they fully tracked all our

recommendations, my suggestion would be – and I think it may achieve both goals of making this precise and positive – that perhaps Contractual Compliance has considered the review team’s recommendations in implementing certain changes prescribed in the blogs of bla bla. That way, we’re not making a definitive statement that they have been definitely fully implemented, but we are making a statement that Contractual Compliance has considered these recommendations as they made changes. Does that work for you, Jamie? Are you comfortable with that?

JAMIE HEDLUND: Yeah, that sounds great.

LAUREEN KAPIN: So maybe I'll repeat that more slowly then and let others weigh in, of course.

UNIDENTIFIED MALE: [inaudible]

LAUREEN KAPIN: [inaudible] I think we can hear your side conversation here. Okay. So I'm going to repeat that more slowly then. So starting in the first sentence of the footnote. Jean-Baptiste, why don't you let me know when you're ready?

JEAN-BAPTISTE DEROULEZ: I'm ready. Go ahead.

LAUREEN KAPIN: Okay, good. I don't want to go too fast. [I'll start] in the middle. "Since the publication of the CCT-RT's draft recommendations for public comment, ICANN Contractual Compliance has – here's the change – considered the review team's recommendations in implementing certain changes prescribed in –"

JEAN-BAPTISTE DEROULEZ: Sorry, you said further changes?

LAUREEN KAPIN: In implementing certain changes, not certain changes.

JEAN-BAPTISTE DEROULEZ: Certain changes. Sorry.

LAUREEN KAPIN: [inaudible] in implementing changes, I think. "Certain changes" is fine. "In implementing certain changes prescribed in..." And then you just delete the rest until you get to "described in the blog."

JEAN-BAPTISTE DEROULEZ: Yes. Thank you, Laureen.

LAUREEN KAPIN: And the review team – and I would make it plural – recommendations. Yeah, that’s fine, review team recommendations. Yeah.

JEAN-BAPTISTE DEROULEZ: Alright. So the last two edits that were made in the executive summary from Jonathan, and that’s in the conclusion. So now the conclusion reads, “Initial indications are that the new gTLD program has led to a dramatic increase in consumer choice, a modest but important increase in competition, and has had a minimal impact on consumer trust. However, there are several TLDs with a disproportionate level of technical abuse, and the review team recommends enhancement to various enforcement mechanisms prior to any further additions to the DNS. The review team believes that there is substantial need for more and better data on both competition and pricing and on the impact of safeguards on consumer protection.” I don't know if you wish to add something to that, Jonathan.

JONATHAN ZUCK: I think I said what I meant to. Jamie asked the question about – I guess I feel like we keep getting pushback on NCUC to make sure that we’re talking about technical abuse and not other – they're worried that it’s content regulation. And so that’s why I used that term. It’s become [kind of an art] in the discussion surrounding this issue.

LAUREEN KAPIN: But Jamie is right about this term, DNS security abuse, which was a new term when I read the edits to the report. Let me ask this, what's the

difference between technical abuse and DNS security abuse? Because we are using the latter term in most of the report.

JONATHAN ZUCK: Then let's switch. We can just – like I said, you've been in them, right?

LAUREEN KAPIN: [Oh, yeah.]

JONATHAN ZUCK: I don't know where the term “technical abuse” came from. And so I was just using a term that has come up in face-to-faces quite a bit.

LAUREEN KAPIN: Right.

JONATHAN ZUCK: But maybe there's some specificity to DNS security abuse that encapsulates the notion of technical abuse. So let's go ahead and change it to that then. I'm kind of operating on the assumption that most people are only going to read this executive summary, and so I wanted to make sure and get some of these points out, including the sort of prerequisite nature of this particular issue into the executive summary. So that was my intention.

LAUREEN KAPIN: No, I think that's an excellent addition.

JEAN-BAPTISTE DEROULEZ: Alright. So the different changes that [inaudible] were changed in the executive summary, we'll have David to review the previous edits that were mentioned on the [previous] section on RPMs. Are there any objections on this executive summary other than having David review those different edits that were made?

Okay, so moving on to the next section with edits, so that's under data-driven analysis. If you were reading your own version of the report, that's on page 31. I'm sorry for the fast scrolling. And that's [this here.] So that's reflecting a discussion that you had in the past where the term "frustrated" was changed, and that's an edit from Jonathan to change it to "hampered."

And then Laureen, in the second paragraph, you had suggested to remove domains that are not yet in use either because of speculation or preparation by domains that have been registered but are not yet in use. Are these any objections to these two changes?

LAUREEN KAPIN: [inaudible] I made that consistent with how we had defined parking in other parts of the report. This was inconsistent.

JONATHAN ZUCK: Yeah, we should just probably say "being used for websites," because obviously, they could be being used for e-mail, or typical parking like index pages for ads and things like that. So maybe "are not yet being used as websites," something like that.

LAUREEN KAPIN: And I think that's fine. There's a place later in the report where I think we just said that they are not being used [definition,] in which case I would say it would make sense to add this more precise language to that too. I think you probably could find that in a word search.

JEAN-BAPTISTE DEROULEZ: Okay. Are there any objections to these two changes? And Jordyn is supporting what you said, Jonathan. Okay, so if no other comments, moving on to the next one, which is on page 34. And again, that's the discussion on the footnotes. So, would you like me to apply the same change here on that footnote as we did in the executive summary?

LAUREEN KAPIN: Yeah, I think we should be consistent.

JEAN-BAPTISTE DEROULEZ: Yeah, okay. In the interest of time, I [inaudible] I will just note it down. Alright. Okay. And then moving on to the competition section. So there were several edits from Jonathan. One is to replace "viable" by "reasonable," and then to add "after substitute [inaudible] to varying degrees that can satisfy the [inaudible]. They can be used for the same end." That's part of the text in the substitution analysis.

And then Jonathan, you moved – last sentence basically if the price of Coke goes up, more people will switch to Pepsi. This goes in the third paragraph [inaudible] that section. Any objections to those changes?

Okay, moving on. Still in the substitution analysis, so here, you have added the following text. “With .online, .site and .space,” and then this sentence you replaced “viable” by “reasonable” and added the sentence “For example, .shop might be a substitute for online shopping websites, .photography might be an alternative photographers can use. [inaudible] alternative for a news website, etc.” Do you wish to add some more clarification on these additions, Jonathan, or are there any objections to these edits?

JONATHAN ZUCK:

I think they're mostly additions, right? And I was just trying to clarify [for the] people that asked questions. And so I don't think there's anything controversial there.

JEAN-BAPTISTE DEROULEZ:

Okay. Perfect. Moving on to the next one, which is on page 56. So this is part of recommendation two. would you like to provide some input on those changes, Jonathan, in the details section of the recommendation to collect wholesale pricing for legacy gTLDs?

JONATHAN ZUCK:

Right. So one of the things that was on my to-do list was to go through all the recommendations and just look for overly prescriptive language in the recommendation that might tie the hands of the implementer, because that was one of the issues raised by the board comments on our initial set of recommendations. And so there's a series of things where I'm just putting a lot of language to consider or “one way to

accomplish X might be,” etc., in order to – in my mind, this is a non-concern, but I just tried to make that clear in every recommendation that I thought it was possible that it was overly prescriptive. So that’s all this language is. Instead of “ICANN should,” I have “could,” things like that. And again, I made every attempt not to change anything about the substance of the recommendation, just create language that let room for creativity in implementation.

JEAN-BAPTISTE DEROULEZ: Thank you, Jonathan. Any objections to those updates? Okay, moving on to page 66 of that same chapter – sorry, we are now on consumer choice, and on page 66, there was a question from [Grant] to the review team whether we would like to cross-reference this section [inaudible] to the substitution analysis in the competition section. Jonathan?

JONATHAN ZUCK: I'm sorry, I missed that so I'm trying to read what – “The review team might want to consider cross-referencing this section to the substitution analysis, [added a] cross-reference in the competition section.” So, if [Brian’s] on the call, what do you mean by cross-reference? Just refer out to the same study? What's the easy path to agreeing to your change?

UNIDENTIFIED MALE: Yeah, Jonathan, it should be just a really – “See substitution analysis section [cross-reference].” That’s all I was saying, nothing big. Just because it seemed relevant to substitution.

JONATHAN ZUCK: You mean refer back to the substitution analysis from this thing on previous studies?

UNIDENTIFIED MALE: Exactly.

JONATHAN ZUCK: Okay.

UNIDENTIFIED MALE: I mean, up to you. It's a very minor thing, so it just popped into my head when I was reviewing it.

JONATHAN ZUCK: Yeah. No, I mean I get it, I just – what are they seeing it for? For further analysis or something like that?

UNIDENTIFIED MALE: Yeah. Hold on, let me just take a look here.

JONATHAN ZUCK: What's the actual sentence? I'm just trying to [inaudible]

UNIDENTIFIED MALE: Yeah. Right. You know, I think just a simple solution would be to add a footnote to the end of the paragraph saying, "See substitution analysis section earlier." Something like that. Not even –

JONATHAN ZUCK: Okay. Alright, you have my permission to do so.

UNIDENTIFIED MALE: [Okay.]

JONATHAN ZUCK: Alright. Thank you.

UNIDENTIFIED MALE: Thank you.

JEAN-BAPTISTE DEROULEZ: Thank you, [Brian.] Next one is under the safeguards section, I believe. And that's under – so that's an action item from the last plenary call, so that's just a basic text [edit] submitted by Jordyn. Laureen has provided text, so we're just – [just a reminder] that we are waiting on that approved edit already, but we are waiting for the new text.

The next edit is on page 96 under the [inaudible] section. [And I see here that's] pending the discussion that I was mentioning at the beginning of this call on recommendation 15 on the new version of that recommendation. Since there is a merge between the two

recommendations, recommendations 17 and 15, [remove] from the report. And then on page 115, there is another update, and we're almost at the end of the edits [inaudible] the report.

So here, yes, that's the update that Jamie was mentioning earlier, so just to place there that Contractual Compliance provided some updates and have added some things into the report. So unless there are any objections [inaudible] edit within the report.

LAUREEN KAPIN: So, do we want to make this consistent with –do we want to phrase this consistent with our other phrasing so that –

JONATHAN ZUCK: Yes, Laureen.

LAUREEN KAPIN: Say it again? [inaudible]

JONATHAN ZUCK: I agree, yes.

LAUREEN KAPIN: Okay. Then the other question I raise is, do we want this in the text or in a footnote?

JONATHAN ZUCK: How did we handle –

CARLTON SAMUELS: [I think it's fine] either way.

LAUREEN KAPIN: The reason I asked is because it was in a footnote, and also, this is now in our recommendation, [that's a new field] that we had to add. So I'm not against putting it in the text, I'm just pointing out it's different than [we did] the other one, and whether we want to be consistent. It sounds like [inaudible]

JONATHAN ZUCK: Yeah. Why don't we put it into a footnote?

LAUREEN KAPIN: Yeah. I'm relegating Jamie personally into a footnote. Will he fit, I wonder?

JEAN-BAPTISTE DEROULEZ: Okay, and you would place the footnote then on the recommendation 19 then, or on the recommendation section? Or at the end of this –

LAUREEN KAPIN: I –

JONATHAN ZUCK: I'm sorry, Jean-Baptiste, repeat the question.

JEAN-BAPTISTE DEROULEZ: [inaudible]

LAUREEN KAPIN: [inaudible] Right?

JEAN-BAPTISTE DEROULEZ: Exactly.

LAUREEN KAPIN: Okay, so I would put the footnote – can you scroll up? I would put the footnote right after the recommendation.

JEAN-BAPTISTE DEROULEZ: Okay.

LAUREEN KAPIN: Not the recommendation on top. I would do Recommendation 19.

JEAN-BAPTISTE DEROULEZ: This one.

LAUREEN KAPIN: Yeah, right there. That way, people know to look at it.

JEAN-BAPTISTE DEROULEZ: Okay.

LAUREEN KAPIN: I don't want a [big] footnote.

JEAN-BAPTISTE DEROULEZ: Yeah. Okay. I'll move this text to [inaudible] down just in the interest of time, and I'll move it to a footnote.

LAUREEN KAPIN: And when you move it, it should have that same sort of introductory language that "ICANN Compliance based on the recommendations of team bla bla." You just want to put it in the same way.

JEAN-BAPTISTE DEROULEZ: Yes, from the previous statement.

LAUREEN KAPIN: Yeah. You want to have that causality noted, because that is a positive result.

JEAN-BAPTISTE DEROULEZ: [Will do.] Thank you, Laureen. Next one is on page 111, and that's a footnote that [inaudible] and I'll update this footnote based on what was agreed earlier. Then I believe here, we have another update, [it's

an] edit by Jamie. Would you like this one to be added to recommendation two with the same language that you have mentioned [already?]

LAUREEN KAPIN: Right, I think we can do this the same way as the other one.

JEAN-BAPTISTE DEROULEZ: Yeah.

LAUREEN KAPIN: [inaudible] as a footnote right after the recommendation [inaudible] and then include that same language about the causality between our recommendations and [inaudible].

JEAN-BAPTISTE DEROULEZ: Yeah. Will do. Thank you. So next edit is on page 123, and that's a comment from –

JONATHAN ZUCK: I'd just like to take this one moment to thank Jamie for not waiting for publication of the final report to begin the implementation of these changes. So thank you very much.

LAUREEN KAPIN: Yeah. Hear, hear. [inaudible] really has been out of the gate in being so responsive to our recommendations, and I agree that that is very commendable.

JEAN-BAPTISTE DEROULEZ: [inaudible] And here, [this one] was a comment that you expressed earlier, Jamie. [I need to] get back on this comment, or would you like to add a few more things on it?

JAMIE HEDLUND: Let's see. Yeah, this just seems to be editorializing that – and maybe there was discussion about it, I completely missed it – so for starters, Compliance has two things to work with in complaints dealing with PICS. One is the contract itself, and two is the PICs adopted by the registry operator. And this seems to suggest that ICANN Compliance has instead decided to – or inappropriately decided to narrow its remit and that it should in fact not have created a precedent of going beyond – of not going beyond the terms of the contract and the policies. And maybe I'm reading this wrong, but it just struck me as something I had not read before and something that seemed to be more editorial than factual, if that makes sense.

LAUREEN KAPIN: Can I suggest that you work with Drew on this? Since I think we've both been working without the benefit of each other's input here, this was new language for you, and of course, now Drew wasn't available for this call.

JAMIE HEDLUND: Sure.

LAUREEN KAPIN: So, can I put that in –

JAMIE HEDLUND: Absolutely.

LAUREEN KAPIN: Great.

JAMIE HEDLUND: Yes, absolutely.

JEAN-BAPTISTE DEROULEZ: Okay, so we'll write that down to have you and Drew review that text. Let me skip this. The next one is on page 129, and that's a comment from you, Jamie, on the first sentence on the INTA impact study. The results of the INTA impact study contain important information for the community to consider regarding the impact of ICANN's new gTLD program on the [constant] input required to protect trademarks in the DNS. And your comment there says [inaudible] respondent doesn't really fully inform and that the text [there should be] removed and changed [with] "information for the committee to consider regarding

the impacts.” Unless there are any objections, I'll move on to the next one.

So there, there are minor edits from Jamie on several sections of the text. I'll give you a few seconds to review that.

LAUREEN KAPIN: This is all just qualifiers.

JEAN-BAPTISTE DEROULEZ: Yes.

LAUREEN KAPIN: Making sure that these are based on the survey. I have no problem with these.

JEAN-BAPTISTE DEROULEZ: Perfect. So, those are adopted. And here on this page, “[so fairly] substantial [anecdotes for]” was removed, and so the text only reads “there is [inaudible] evidence.”

LAUREEN KAPIN: We want to keep in “anecdotal,” and maybe just also flag this for David since he may object about whether it’s fairly substantial or not. But is it anecdotal, I think that’s an important point, and then maybe David and Jamie can make sure that it’s anecdotal – I'm sorry, that it’s substantial or not.

JEAN-BAPTISTE DEROULEZ: Sorry, so you meant to keep “substantial”, not “anecdotal.”

LAUREEN KAPIN: Sorry. What I said was keep “anecdotal” and then maybe just flag for David this particular change.

JEAN-BAPTISTE DEROULEZ: Yes.

LAUREEN KAPIN: Because he characterized it that way, Jamie deleted it, I just want to make sure that everyone knows – the right hand knows what the left is doing.

JEAN-BAPTISTE DEROULEZ: Yeah. Will do. So next one is under the UDRP and URS sections, with one addition from Jamie just for clarification on the text. And if there are no objections, we’ll move on to the next one. And I believe the next one is in fact on page 150. Alright, no. [In fact,] that was the last one, I believe.

So what we’ll do is to have – so the executive summary was adopted, we’ll have the section reviewed by David, and all other sections, since there were no objections, were adopted, but there are several sentences which need further discussion. [So, is there] from David or from Drew on text for example?

So we'll take that on and we'll circulate an updated version to the full review team. And unless there is a question, I'll move on to the next topic on the agenda, which is the next steps. In any case, thank you, [Laureen,] for your input on these edits.

So in terms of next steps, [inaudible] after this call, so since all edits have been reviewed, we'll recirculate this report to the review team so everyone will have possibility to share any final objections to the text before our next Tuesday [meeting] at 22:59 UTC, and then there is a call scheduled next Wednesday to reach final consensus and adopt the final report.

So by then, the recommendation 15 should have been circulated to the team, and [as explained already in the] beginning of this call, this recommendation will be reviewed via e-mail in the interest of time and on the next plenary call, and the review of the final report by confirming the implementation [items.] Jonathan, is there anything you'd like to add at this stage?

JONATHAN ZUCK: There really isn't.

JEAN-BAPTISTE DEROULEZ: Alright. Any Other Business? Thank you. If none, thank you all for your review today and thank you for your time, and talk to you on the call next week.

UNIDENTIFIED MALE: Sounds good. Thanks.

JONATHAN ZUCK: Thanks, guys.

[END OF TRANSCRIPTION]