**Consumer Trust Meeting**
**TRANSCRIPTION**
**Tuesday 07 August 2012 at 19:00 UTC**

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Http://audio.icann.org/gnso-cci-20120807-en.mp3

Participants on the Call:
Cheryl Langdon-Orr - ALAC
Steve DelBianco - CBUC
Tobias Mahler - Individual
Olivier Crepin Leblond – ALAC
Michael Graham - IPC

ICANN Staff:
Berry Cobb
Nathalie Peregrine

Apology:
Jonathan Zuck – IPC
Julie Hedlund


Coordinator:     Excuse me, I'd like to remind all participants this conference is being recorded. If you have any objections you may disconnect at this time. You may begin.

Nathalie Peregrine:     Thanks very much, Operator. Good morning, good afternoon, good evening. This is a CCI call on the 7 of August, 2012. On the call today we have Cheryl Langdon-Orr, (unintelligible), (Tobias Marler), Steve DelBianco.

From staff we have Berry Cobb, Julie Hedlund will be arriving shortly, myself, Nathalie Peregrine. And we have an apology from Jonathan Zuck. I would

like to remind all participants to please state their names before speaking for transcription purposes. Thank you very much and over to you.

Berry Cobb:     Thank you, Nathalie. This is Berry for the record. As mentioned, Jonathon is - sent his apologies in today so just kind of a do an ad hoc shared type role. We only have three general comments to review within the public comment tool and a couple of actions from previous comments that we'll review through.

But first we should probably go through the action item. And Steve, if you're - I'm not sure if you're using Chrome or not but I think there's some pretty big issues with Chrome and Adobe Connect. So maybe try using Internet Explorer if you have it.

Steve DelBianco:  Thank you, Berry. I'm using Safari like I always have in the past. And for some reason I can't get in today. I'll try again, thank you.

Berry Cobb:     Okay, all right. So action items, the first one takes from our previous call. We had a discussion about the position from the non-commercial user's constituency. I think Jonathan did send out an email over to Wendy but we haven't received a response.

And hopefully since they're unable to make the call that they'll at least formulate a minority position that we can append into the advice letter.

The second action item is recurring - just to send the latest version of the comments review tool and the draft advice letter, which has been done.

The third one was that action to me, which was to investigate the AOC application review team. Started some dialog with Denise that is leading the AOC efforts, Denise (Michael). And I actually have a meeting scheduled with her tomorrow but I briefed her on the dilemma that we're in.

In terms of reading the AOC's statement, it is just one review team. However, I think that there's room for maneuvering in terms of how many actual teams make up that overall review team. And that's something that we'll be discussing.

But put everybody at ease here, I don't think - I don't believe - in fact, I'm extremely confident that that won't change the scope and the remit of this working group, certainly since it wasn't a part of the board resolution that moved that forward.

But in short, when I discuss with her tomorrow the few comments that we received that were more related to the application and evaluation processes, I'll ensure that those comments get carried over into that future team.

Steve?

Steve DelBianco: Thank you, Berry. The - as you said, we are really driven by a board resolution, which selectively pulled one aspect out of the affirmation. And we don't need to get into it with Denise about whether they're going to form multiple teams. I mean that's - we're not even into that.

All we're saying is that whether they do one team or multiple teams, part of that team's remit that has to do with consumer trust, consumer choice, and competition will have the opportunity to benefit from our work and the advice that we've done and whatever the board adopts.

But by no means do we want to get into it with her about whether there's going to be one team or two teams. It's none of our business, right?

Berry Cobb: Correct. This is Berry. So anyway, this is an internal ICANN issue for them to sort out and not concern for this working group. So I'll happily let you know the output of that meeting but I don't believe - it won't change any direction of

what this working group is trying to accomplish and trying to get the advice letter moved forward to the Council up to the Board.

Man: Outstanding.

Berry Cobb: Okay, and then lastly, this was an action to me to send out the second draft of the - kind of the accompanied letter when we submit the advice letter to the GNSO Council. Did send that out as well and hopefully we can review that quickly before the top of the hour.

So if there's no other comments then shall we just move right into the rest of the general comments?

Man: Yes, sir.

Berry Cobb: Okay, so we're on Row 71, this comment, which is just in the general section. There's only three to review here. Is from the CBBBD, which I believe was the Better Business Bureau.

The comment was in addition ICANN should develop mechanisms with law enforcement and the GAC that will allow the prosecution and punishment of rampant cyber criminals that are increasingly brazen in their email (unintelligible), spamming, database infiltration and malware download.

While the CBBBD recognizes the need for unencumbered Internet space free form excessive regulatory control there does need to be a significant international prosecution of ecommerce crime and fraud that is taking place on the Internet.

(Olivier)?

(Olivier): Thank you, Berry. I'm afraid out of scope for this working group but we might wish to pass this on over to whoever needs - well, whoever deals with this. I

don't quite know who deals with it but certainly not this working group. We're dealing with metrics.

Berry Cobb:     And Steve?

Steve DelBianco:  (Olivier), of course you're correct. And yet, I think we could acknowledge this comment and suggest that the working group recognize that all of the concerns the CBBBD raised are important to promoting consumer trust in the new gTLD space.

And recognizing that, we have several metrics in the consumer trust section which will enable the affirmation review team to assess the relative level of consumer trust in the new gTLDs. And let's cite a bunch of examples.

And (Olivier), you know these very well because they're the ones you came up with, the quality and relative incidence of domain takedowns, honey pot spam addresses, fraudulent transactions caused by phishing. Remember all that?

And that's already baked in to our consumer trust metrics. And we can suggest that we're not - as you say, we're not going to recommend a solution. We're just simply going to indicate metrics that will help everyone assess whether the new gTLDs have promoted consumer trust.

So it's not as if we're dismissing their comment. We think that we've incorporated the concerns they've raised with multiple - applicable metrics in the consumer trust section.

Berry Cobb:     (Olivier)?

(Olivier):     Thank you, Berry. I'll agree, Steve. It's (Olivier) here. I'll agree, Steve, but I think - I wasn't trying to play down the importance of this. I totally agree with Steve - with what you want to put in the reports.

However, I also wanted to see whether this working group could also channel this - these comments over to the right part of ICANN for them to be able to pick this up.

Steve DelBianco: In addition to acknowledging your comment, the way I was describing?

(Olivier): Correct, yes. I'm just concerned that this is going to be lost in the very - in what looks to be a very, very long report that's going to come out now.

Steve DelBianco: I hear you, I hear you. But on the anticipation that this matrix, this tool we have, where we indicate the way we've decided to respond to a comment, that will be published in addition to our revised advice letter. Isn't that correct?

Cheryl Langdon-Orr: Yes.

Steve DelBianco: Okay, good. So when CBBBD goes to this matrix and they will see that we acknowledged the concerns and believe that we've addressed metrics to assess those concerns in the consumer trust section. And - the way we're going - aren't we on 50 pages now of the review tool, 50 pages?

Berry Cobb: Correct.

Cheryl Langdon-Orr: Yes.

Steve DelBianco: I got to believe we will be the first working group at ICANN to my knowledge that specifically responds to every comment. I've never seen it done before and thanks to Berry's tool we may be the first. And that's why I love to be able to say something responsive in practically every one.

(Olivier): Okay.

Berry Cobb:       Very good, so basically I've got the dialog captured here and there's really no recommended action other than to try to pass this comment on to ICANN internal.

Cheryl Langdon-Orr:   (Olivier), Cheryl here. And I did mean (Olivier), Cheryl here, but to some extent perhaps Steve as well, seeing as (unintelligible) comments, particularly relevant to not just registrants but end users, perhaps it's a small side note that the at large community, (Olivier) (unintelligible) (ILAC) should take note of as well.

And perhaps, Steve, some of the constituencies not just the BC but likeminded and similarly minded ones might want to take up the flag as well, particularly when the review team starts.

So we might sort of be well advised to, you know, grab the hat to ourselves as well to action.

Steve DelBianco:  I have an idea on that Cheryl and (Olivier). We could be specific about where to refer this. And I don't want to wait too long. We could refer this comment very quickly to the RAA renegotiation team since this would factor in.

The RAA renegotiation team is looking at ways to take into account law enforcement's request for being able to track down the registrar, the site that's doing malware download, the site that's doing database infiltration, email spoofing and spamming.

Cheryl Langdon-Orr:   Sounds like a good plan to me.

Steve DelBianco:  Cool, and I see that (Olivier) has checked the box so why don't we be specific and say that we'd like to forward this to the RAA negotiators immediately and say that we did so in the response comment.

Cheryl Langdon-Orr:   Good one, thank you.

Steve DelBianco: And Berry, you could just fire this one over there, right?

Berry Cobb: Yes, I can send that over to Margie.

Steve DelBianco: Outstanding. And CBBBD is a member of the business constituency.

Cheryl Langdon-Orr: Perfect. I can't get rid of my click. I'm not agreeing with everything forever more, guys. Let me see if I can...

Steve DelBianco: All right, (unintelligible).

Berry Cobb: Okay, moving on to 72, this was from (Ana Lisa Rogee). In my opinion, the most important measures of success demonstrate service to the global Internet community. Are there accessible choices for Internet users with a wide range of options such as (IDN), community, industry specific options, easy to remember TLDs and identifiable TLDs that benefit people in some way.

The new gTLDs invite global Internet users no matter who they are and where they live to feel the Internet can serve them in a familiar and friendly manner bringing them ideas, innovation, advancement, economic opportunity, and a better life.

The new gTLD program should also be measured for success if executing its program for global multi-stakeholders turned out - new gTLD delegations from applicants representing the makeup of a global population of men and women, corporate, and NGOs, civil societies and business associations.

And given the ICANN global multi-stakeholder process where all ICANN's five regions of the world and multiple languages represented. Future ICANN meetings should benefit from all of this new gTLD registry and industry

members and they should be encouraged to join the global multi-stakeholder process of policy and governance going forward.

Cheryl?

Cheryl Langdon-Orr: Hi, thanks. Cheryl Langdon-Orr for the transcript record. And this is (unintelligible) top stuff and part of it is obviously a little bit promotional on generally new gTLDs anyway.

But is this not the basic tenant of why we believe the affirmation of commitment even suggests that there's a review team to come and states that these measurements do need to be made?

I think all we can say here is, yes, certainly. There are some actions for ICANN to follow up but the work group's focus is on definitions and metrics and measurables.

Many of which we believe will meet her particular points or the points raised. Because I think we've got measures for an awful lot of what she said.

Steve DelBianco: This is Steve, if I could get in too? I agree with Cheryl and that we would want to refer this commenter to the metrics in place for consumer choice. It brings to mind the need for us to be able to number them. It's hard to say the fifth row, the eighth row.

So is everyone sort of on board that we ought to ask Berry a big favor to literally number the metrics in the table so that they can be referenced?

Cheryl Langdon-Orr: Sure, happy with that.

Steve DelBianco: Do we all think that we would start at one and go all the way to the end or does each section, consumer trust, consumer choice, and competition have a different numbering?

Cheryl Langdon-Orr:    Yes, I think I'd prefer to have sectional identifiers and use fresh numbers. It's - otherwise you get to, you know, 247 and it gets to be a bit much.

Steve DelBianco:    Okay, so Berry, would you be on board with 1.1, 1.2? And then when you get to the second category or choice it's 2.1 or 2.N. For consumer trust - sorry, for competition it'd be 3.1 through 3.N.

Berry Cobb:    Great, got that captured.

Steve DelBianco:    If we used another column in our table it makes things a little bit - you know, we lose a lot of space so it might just be sufficient to stick the 1.1 or Ns or something like both.

Berry Cobb:    Yes, I'll play around with it and see how we can get it in without messing the table width up. And Steve, just so you know, you're breaking up.

Steve DelBianco:    If we're able to do this then perhaps we can then refer somebody like (Ana Lisa) to consumer choice comment metrics 2.2, 2.3, 2.4.

Cheryl Langdon-Orr:    Absolutely, yes, yes.

Steve DelBianco:    Now, as I look at our consumer choice metrics, we talked about not just (IDN) scripts but languages other than English. Different national legal regimes, and that is a unique value. If somebody really wanted a privacy centric TLD they could pick a TLD that's managed under the national laws of a nation that really respects privacy, more so than others. So we have the at-1.

Let's skip to the choice measures that talk about the geographic diversity, I think that will help to measure - the first one under other measures of consumer choice.

But we didn't in fact say are there specifically new relevant TLDs addressing lots of different industries and economic interests. So - and I think we might even acknowledge to (Ana Lisa) that it was extremely difficult to assess whether a TLD would fit a specified economic interest or not.

Cheryl Langdon-Orr:  But it - sorry, Cheryl, just jumping in there, Steve, but it may in fact be something that in the (unintelligible) of survey options that the review team (unintelligible), could be better analyzed or even the subject if it's a party study, but that's out of our scope.

Berry Cobb:  This is Berry. So I captured that and basically the recommended action is to include number for each metric per section. Any other comments? All right.

Moving on to the last one, 73 from the registry stakeholder group. We complement the CCM working group, yet another name, on the broad definition included in the first bold paragraph on Page 3 as follows.

A full examination of choice should not only measure the diversity within registries and registrars but also exam options that allow users to avoid direct use of the DNS all together.

Alternate methods of accepting Internet content and services, mobile apps, search engines, social (unintelligible).

Cheryl Langdon-Orr:  Berry?

Berry Cobb:  Yes?

Cheryl Langdon-Orr:  Can you scroll to 73 please?

Berry Cobb:  I'm sorry.

Cheryl Langdon-Orr:  Thanks, mate. Helps if I'm reading as well as listening, that's all.

Berry Cobb: Okay, so a full examination of choice should not only measure the diversity within registries and registrars but also examine options that allow other users to avoid direct use of the DNS all together.

Alternate methods of assessing Internet - accessing Internet's content and services, mobile apps, search engines, social portals, QR codes, etc. are growing in popularity and themselves present innovating and competitive threats to the ICANN regulated TLDs.

As such they should be considered in any complete evaluation of consumer choice and trust related to ICANN in general and the new gTLDs specifically. However, we also suggest that additional metrics be developed to ensure that this point is not overlooked in the evaluation.

Steve DelBianco: This is Steve getting in the queue.

Berry Cobb: Go for it, Steve.

Steve DelBianco: Evan Leibovitch was a big one on this and he seemed somewhat satisfied when we put that note in there. I'm not positive we want to reply to this but if we were to respond, we could add a single metric which would imply a survey or a study of registrants and end users to determine the extent to which they use Internet resources without using the domain name system or DNS.

It's sort of an open-ended - probably could be done online. It probably wouldn't have to be a study. It might well be an online survey which is relatively less expensive. It's not going to be as valuable as a $100,000 professional study would be but I don't think it deserves that level of resources. It deserves really only enough to do an online survey.

And my question for all of you is can we lump it in with the online surveys we've already talked about? Online surveys that pick up things like duplicate

registrations, online surveys of perceived trust of the domain name system. It's under the consumer trust metrics, it's the fourth row down, a survey of...

Cheryl Langdon-Orr:   Yes.

Steve DelBianco:   Consumers. So if the survey is going to cost $100,000 and it's simple to add a single question to the survey asking about the respondent's level of awareness of level of use of Internet access that does not use the DNS. And we'll probably have to explain that to people won't we? What does it mean to not use the DNS.

I mean Evan used to say that the QR codes don't use the DNS and I couldn't disagree more. The QR codes do use the DNS because a QR resolves to a domain name, not to an IP address. I'm still hard pressed for an example.

(Olivier):   Sorry, it's (Olivier) here. A QR code can result to anything you want actually.

Steve DelBianco:   And as a practical matter, (Olivier), they nearly all - I've never seen one that didn't resolve to a domain name (unintelligible) IP address.

(Olivier):   But if you wanted to a QR code could actually include a V card in it or could include anything you want. And the QR code that includes HTTP:// - you could have an IP address rather than have a domain name after the //.

Steve DelBianco:   Okay, you're exactly correct but that does not...

(Olivier):   (Unintelligible) the DNS all together.

Cheryl Langdon-Orr:   That doesn't negate the need for the - asking of the question and the answering of the proposal that Steve spoke to us.

(Olivier):   Yes.

Steve DelBianco: Right, right. But again, the availability of a QR code that could go - and the question, (Olivier), we can't very well ask people, do you ever scan QR codes? And then somehow assume that if the answer were yes that they're bypassing the DNS, that is not true. Nearly all QR codes that do access the Internet - and a V card is not accessing the Internet so I don't buy that.

But if it's using an IP address they'll never know. The end users don't even know unless they happen to look up at the URL line after they've scanned.

(Olivier): Well, and the fact that - I think we just answered the question here yourself, the end user just doesn't know. And because the end user doesn't know - does it matter whether we're dealing with new gTLDs or old gTLDs or any domain name anyway? Because it could be any domain name user at that point.

The significance of introducing new (unintelligible) domains, new gTLDs is - becomes moot at that point. And that might be maybe the way that we want to format it.

Steve DelBianco: I think I'm starting to understand your point. We would want to survey the extent to which people are using access to Internet websites where the TLD is not evident to the user. So that they don't rely on the TLD, they don't type it in, they didn't pick it from a list where the TLD was shown. You think that's (unintelligible) get at this?

Cheryl Langdon-Orr: Yes.

Steve DelBianco: Because search engines - a QR code doesn't display the TLD so I would never have - I wouldn't say, that's the right QR code for me because it ends .bank, I feel confident. If I don't see the .bank I have no idea. If I'm doing a search engine and the search engine stopped displaying the TLDs - they all display the TLDs now, right, but they're allowed to change any time they want.

So I think (Olivier)'s on to something here and we could say that the survey should include a question for the frequency with which users access Internet content through means that do not reveal the top level domain.

Cheryl Langdon-Orr: Yes, I had my hand up because I did want to support you, Steve, in the concept of adding this into the existing survey that we've been suggesting. I think that's a good idea.

I'm very happy with where the conversation has taken us into the specificity of the type of question, which of course, we could only propose because other people have got to ask, but we can propose the type of question they should be asking in terms of what we believe will be giving us any form of meaningful metric.

And yes, we can respond to this particular question - sorry, not question, this particular comment that way. But I just wanted to make sure that you were well and truly prepared, Steve, there is no way Evan is satisfied.

He is still - and has only several hours ago in capital letters yelled us in chat what an absolute and total waste of time all of this is. And I think he'll be having coffee while we're doing the briefing in Toronto.

Steve DelBianco: Okay, I just typed into the chat. (Olivier), are you online where you can look at this and see if that will work?

(Olivier): I'm online, yes, thank you, Steve. It's (Olivier). Let me just read it and I'll let you know.

(Tobias Marler): In the meantime, this is (Tobias), just a small comment. I'm not really sure whether this kind of information is available from a survey. When you ask people...

Steve DelBianco:  We ask end users.

(Tobias Marler):  Yes, if you ask the end users, do they have the necessarily understanding of what they're actually doing and what all of this to be able to...

Steve DelBianco:  Yes, (Tobias). Read the question the way I phrased it and tell me whether you think the average Internet user responding to an online survey would understand.

(Tobias Marler):  Okay, a tool that doesn't reveal the TLD. When I use Google Chrome, does it still show me the address line? You could have a browser that just doesn't show you the address line. I use apps - apps don't show me TLDs. I'm still using some part of the Internet.

Steve DelBianco:  You're right. Let's add apps to my little for example at the end, QR codes, search results do not display URLS, apps that do not.

(Tobias Marler):  But I mean, if you ask me if I use apps - yes, okay. I'm always using apps but I'm not sure whether you learn much from that survey. So I think the issue is really interesting. But I don't know whether we'll get reliable data that helps us to answer the question we want to have answered.

I think we...

Steve DelBianco:  We definitely will not. This is not intended to get useful data at all. It's intended to placate the implacable Evan Leibovitch but also respond to the registry comment. This is just a...

Cheryl Langdon-Orr:  Yes, sorry. (Tobias), there is a way - I've done a few surveys in my day. For example, if one wanted to drill down slightly more into more useable information out of this type of question, it would be one of those please fill in the percentages to 100 the number of times you used the following and you list them.

And you do that as a snapshot and compare it later. And if you find that, you know, one value - QR code or an app has a growth rate over a given time, that's meaningful. And I'll shut up again, sorry. Sorry, sorry, sorry.

Steve DelBianco: Agreed.

Berry Cobb: (Olivier)?

(Olivier): Thank you, Berry. It's (Olivier). Just - actually, I do think that this question is important and is worth asking for the simple reason that - and in fact, (Tobias) even touched on that, apps, searches, all of these (unintelligible) make use of the DNS altogether. Or sorry, will make sure of the DNS but will not require the creation of new gTLDs that allow for more choice and all this.

And this specific question might start giving us an idea of how well connected people are to the use of the DNS in the way that some of us have - are seeing it as a measure of choice.

Some people might just choose that they're just going to use their search engine in their app and don't - are totally unaware - and don't even want to be aware of new gTLDs and all of that sort of stuff, which they leave to the geeks of this world.

And I think that we might receive some interesting replies, especially if the answer is I don't know. Because if they don't know then it's a high chance that they don't actually use it. Thank you.

Berry Cobb: Steve?

Steve DelBianco: Yes, in rereading and listening to (Olivier), the way we've phrased this note may have been inappropriate. We said, avoid direct use of the DNS altogether. I guess what we were really saying is avoid visible...

Cheryl Langdon-Orr:   Yes.

Steve DelBianco:  Avoid direct use of the DNS in ways that make the domain name visible to the user. We have to think of another way to phrase that. When I do use an app and I do use a QR code it is using the DNS to resolve.

So it's not the QR codes avoid the DNS, it's just that a QR code avoids showing the user what TLD they're using. And that is vitally important to us since - if we have more and more people who don't even look at the TLD then you can't necessarily conclude that the TLD expansion promoted choice.

Cheryl Langdon-Orr:   Right.

Steve DelBianco:  So it has to do with visible - where the UR - where the TLD is visible to the user. So we have to - let's think about ways to rephrase the actual note as well as adding this metric, right? So maybe the way we phrase the metric is the way we ought to change the note.

(Unintelligible) examine of choice should not only measure the diversity within registries/registrars but also examine options that allow users to access the Internet via tools that do not reveal the tiptop level domain.

Cheryl Langdon-Orr:   And then give some examples like you have.

Steve DelBianco:  Exactly, so we would change the note - Cheryl, we change the note in the actual advice letter and we change - we use the same words in the actual row in the table where we're going to suggest that they add this to the survey. Because - yes, does anybody have a feeling whether this goes in trust, choice, or competition?

(Olivier):             (Olivier) here, choice.

Cheryl Langdon-Orr:  You think so, okay. I mean I was between trust and choice, but yes.

(Olivier):          I was just going to say - it's (Olivier) here. I was going to say choice, that's fine, (unintelligible).

Cheryl Langdon-Orr:  The reason I thought trust, Cheryl here for the record, is if I download the app from my bank then that's - you know, my trust is absolutely explicit. I no longer care whether it's in .bank. I just know it's from my bank. Isn't that what I mean? Anyway.

Berry Cobb:        (Tobias)?

(Tobias Marler):   Yes, I think it's just in between trust and choice. So it would fit both places. But I had one more comment about actually changing the language of the advice letter.

I would actually prefer to at least leave that part in there that is there now because there are two issues. One is the visibility of the DNS and the other is whether you actually using the DNS anymore or not.

And I think we should be open to changes of technology in the upcoming years. I mean even though QR codes perhaps today resolve to domain names, tomorrow they might resolve to IP addresses or apps or whatever.

So I think we should be open there. So there are really two issues. One is the visibility and that has an insolence, particularly on the trust part of the choice. And the other is the issue of whether you still actually use the DNS or not. And I think they are perhaps two different issues.

So I would prefer actually to leave - at least the part of whether you still use the DNS or not in the advice letter. Thanks.

Berry Cobb:     And this is Berry. So the question really becomes is this online survey, do we just give the users an IP address to access the survey so they're not using the DNS?

Cheryl Langdon-Orr:   Yes, no, actually what we'll do is we'll put it out as a QR code and they'll just have to scan it.

(Olivier):     And before scanning it they can download an app that will access the survey.

Cheryl Langdon-Orr:   Absolutely, and I think the other thing we should also do is make sure all the links are not URLs but little links, short links, which are randomized. So that it just takes us - the applicants - participants directly to the page and not fire any form of name.

Steve DelBianco:   Yes, but the short links are named. Short links do use the DNS. They are names.

Cheryl Langdon-Orr:   They use it but I don't know that it's going to ICANN or (unintelligible).

Steve DelBianco:   Okay, it ends in LY for Libya and we think it's trustworthy, it's amazing.

Berry Cobb:     Okay, so for the recommended action I had that we'll add a note to the survey, either within trust or choice. And basically keying off of what Steve had wrote in the chat window. And then we can modify it as we review the final version of the advice letter.

                All right, so...

Steve DelBianco:   Berry, Berry. We did want to say that the survey is listed under choice as well. So most people were indifferent as to whether we put this new row in choice or trust. I think it's better to put it in choice. And it could go right in the row where we - in the section under choice.

Cheryl Langdon-Orr:  Yes.

Steve DelBianco:  Probably under other measures of consumer choice and new TLDs, which is the very last piece. And there's one of them in there called the online survey or empirical study.

Cheryl Langdon-Orr:  Yes.

Berry Cobb:  So then really wouldn't we just add a note to that existing survey line instead of creating a whole new row?

Steve DelBianco:  Berry, I think we could and yet - I'd like for this to stand out a bit because we're trying to be responsive to comments from even one of our own working group members. I think it stands out better if we make it a standalone row.

Cheryl Langdon-Orr:  Yes, fair enough.

Berry Cobb:  Great, all right. Going to take everybody way back in time and we've got a couple of these comment boxes that I could use some clarification on starting with - and I think this is a good dovetail, Row 8, which was a comment from Evan regarding just exactly what we were talking about.

So we already had - within the scope of the advice section on the letter, we already have a couple of paragraphs with respect to talking about the different measures.

I think more specifically this dialog was about innovation and I wanted to ask the working group, you know, that - the content within that scope area of the letter doesn't necessarily call out innovation. And if there were any suggestions that the working group would like to improve upon that part.

And I will add that - so this - the scope of the advice is on Page 3 (unintelligible) the third paragraph down. You know, we are calling out

specifically of alternate methods of accessing Internet content and services, mobile apps, search engines, social portals, QR codes, etc.

They're growing in popularity themselves and prevent innovative and competitive threats to ICANN regulated TLDs.

As such they should be considered in any complete evaluation a consumer choice and trust related to ICANN as general and new gTLDs. So I guess really my question here is in some ways I think that has been captured.

Cheryl Langdon-Orr:  Yes.

Berry Cobb:       In regards to any of this. Do we need to improve upon that?

Cheryl Langdon-Orr:  Not for my part.

Steve DelBianco:  Yes, the recommended action in the working group response would be that we have modified our note and added a new row to the choice table - a new metric for the choice survey. And that would replace what you have in here right now.

Cheryl Langdon-Orr:  Yes, it's simply - brings up to current speed what we had thought we'd respond to Evan about, that's all.

Berry Cobb:       Okay.

(Michael):        This is (Michael) for the record. I wonder if though - in that paragraph and the advice on Page 3 we should include competition. Because it really covers all three of those and that was the context of this second comment that he made.

Cheryl Langdon-Orr:  I guess there's no harm in that, (Michael).

Steve DelBianco:  So where it says...

Cheryl Langdon-Orr:  Because we pull out the other two.

(Michael):  Right, it would just be consumer choice, trust, and competition related to ICANN blah, blah, blah.

Cheryl Langdon-Orr:  I'm okay with that.

Berry Cobb:  I'm making that change right now.

Cheryl Langdon-Orr:  Thanks. Berry, what's next? She says looking at the clock.

Berry Cobb:  Okay, the next one is - if I recall, I think this is - yes, the lovely one. I just needed a little bit of clarification here on Row 22. And it was the comment by the registry stakeholder group.

And I think it was in regards to the targets that we had placed originally, which was lower than the incidence and legacy gTLDs may not be realistic for determining relative incidents of notices issued to registry operators for contract or policy compliance matters.

The recommended action was to set a direct number of 5% relative incidence per total gTLDs as compared to legacy TLDs. And then we - we're going to make a point of - point out the moral hazard of a compliance program should be balanced by an assessment on the response and execution of the compliance program.

If it's stepped up it should not necessarily reflect bad back on the registry operator. Perhaps this general statement can go to the introduction and tied to ICANN being a contracted party.

But more specifically, what I had listed here - I was confused about the 5% at the baseline and allow plus or minus 5%. And I believe this has to do with the metrics on - and I've lost it. Yes, it's under measures of consumer choice. It's on Page 15. Wait, no, that was defensive registration, crap.

Cheryl Langdon-Orr: Well, we're talking 5% plus or minus 5%, which means minus 5% is nothing. Can we have 5% plus or minus something other than 5%? Because I have an issue with going to nothing. Does that make sense?

Berry Cobb: I think we lost Steve so that's why we aren't hearing anything. I'm trying to find the original metric that we were talking about here. And I've lost that. We used to have a target in there that specifically called out the 5% of one particular metric and I can't find it. Yes, here it is.

So it's under consumer trust and it's on Page 10 of our latest advice letter. The metric is the relative incidence of notices issued to registry operators for contract work, policy compliant matters. Our three year target was originally lower than incidents in legacy gTLDs.

Based on other comments we upgraded the target to significantly lower than incidents in legacy gTLDs. And then based on this comment from the registry stakeholder group there was dialog that this should be changed to plus or minus 5% from a 2011 baseline.

Steve DelBianco: Berry, this is Steve, if I could get in on that?

Berry Cobb: Yes.

Steve DelBianco: I talked extensively with Chuck Gnomes about this when were together last - at ICANN. And I explained to him that the incidents - the relative incident level of registry breaches was only one out of 20 or it wasn't - the number was 5%.

And I said to him, doesn't make sense to say plus or minus 5% on a number that was only 5%. He agreed. And said, given that is the baseline don't worry about our comment.

Berry Cobb: All right, great. So significantly lower than incidents in legacy gTLDs is good.

Steve DelBianco: And by the way, the word incidents means - it means relative incident. So it might be better to say relative incidents there. So one out of 20 compared to 10 out of 1400 for instance.

Cheryl Langdon-Orr: Yes, good point.

Berry Cobb: Okay, and I think there's only just two more of these to review through. This next one, Cheryl, was way back a long time ago. This is in regards to Row 34 and one of our metrics that registrar's websites should clearly disclose gTLD benefits and restrictions in the terms and conditions for each row of the TLD they offer.

The recommended action was that we were going to add a row for non-community-based TLDs actually being bound to stated restrictions, which we have. But there was - I think, Cheryl, you had mentioned something about - like, a misdemeanor and referring to only terminations, 4.3F. Does that ring a bell at all?

Cheryl Langdon-Orr: It does ring a bell but the - yes, I actually think the bell is being written - rung rather more on the fact that we only give - sorry, my computer has now decided to remind me about my next meeting, sorry. Now I can see the screen again.

That we were only giving - I don't think that comment actually works with this - I think what we - there's another thing we were discussing that day.

Because I think what I was raising was the issue that we do not give restrictions - sorry, not restrictions, penalties - yes, cease and desist or get your act together and then cease and desist type orders for a whole lot of stuff that community believes is going to affect trust.

So for example, you can have a huge list of misdemeanors in directors and things like that, that's the bell that was ringing with that comment and that doesn't link to that particular section.

Berry Cobb:     So I think it sounds like we're good to go there.

Cheryl Langdon-Orr:   Yes.

Steve DelBianco:  Yes, and if it's not a community then they're not really restrictions.

Cheryl Langdon-Orr:   Yes, that's right.

Steve DelBianco:  They're not binding in any way.

Cheryl Langdon-Orr:   Yes.

Berry Cobb:     Okay, this next one is Row 40 and it was in response to one of our metrics, a relative share of registrations already having the same domain and legacy gTLDs for this measure. Account all registrations that redirect to domains and legacy gTLDs.

And (Michael), I think this was out to you. You were going to reference the economic analysis and I think that you were going to confirm the comment about the expansion of gTLD domain names with supportive percentage between 3% and 9%.

I'm not sure if this is really necessary anymore but I just want to make sure we're covered.

(Michael):          Yes, I think - well, within this it's not necessarily and in fact when I went back and spoke with the people who had suggested that 3% to 9% figure it was far for them to find where they had derived that. And I discussed this particular provision with them and they were fine with what was being adjusted in this.

Steve DelBianco:   Yes, current table on Page 13 says these redirected registrations should be less than 15% of all new registrations and the percentage should decline over time. You happy with that now?

(Michael):          Yes, that was specifically it.

Berry Cobb:         Okay, great.

(Michael):          We couldn't find anything that would support a 3% to 9%, which is quite low.

Berry Cobb:         Okay, now I know for sure that there's only two more. This one is in response to Row 49 and, Steve, you had an action here about creating a couple of sentences within our scope section of the advice letter with respect to cost versus benefit. And that it's out of scope for this working group.

Steve DelBianco:   Got it. Yes, I'm happy to do that. Where would it be in our document? I have your latest draft up.

Berry Cobb:         I think that would be on Page 3, scope of this advice. And maybe at - like, a fourth paragraph.

Steve DelBianco:   I'll do it. I'll do it. I'll do it overnight.

Berry Cobb:         Okay, and then lastly - and this is also dealing with scope. And I just wanted to confirm here that I think we had dialog several weeks ago that our scope is only second level registrations and certainly not third or fourth level domain

registrations that may occur out there in response to ((Michael) Flynn)'s comment.

Does the working group feel that that would be a candidate for the scope section as well?

Cheryl Langdon-Orr:   It's worth (unintelligible).

Steve DelBianco: I did learn that there are restrictions in the registry contract in Supplement 5 on geographical names at the second level or below. So there are at least one set of restrictions to the third level. So we can't unilaterally - we can't unequivocally claim that there are no restrictions to the left of the second level.

Cheryl Langdon-Orr:   But it's not in our scope.

Steve DelBianco: It would be if a company - if a registry operator violated the registry agreement by putting Australia.New.bank. Then that would be a registry compliance problem that would be a breach and so it would end up showing up.

So maybe we do - the comment we have to say is with one significant exception, ICANN's contracts do not govern conduct beyond the second level. And then we have to delist - describe the exception and say that the breaches of this exception would already show up in compliance actions against registries.

Berry Cobb:   Okay, all right. Then the very last one, again, Steve, is to you. And this was from our last session that - with respect to the choice definition we - there was a discussion of relevant choices. And you were going to draft a note to be included in the decision section about relevant choices.

Steve DelBianco: Yes.

Berry Cobb: Okay, good. That takes care of the public comment tool. We've only got two minutes left and hopefully I can get your input on this. So I sent out the next draft of the next steps, the document that will accompany the advice letter to inform the GNSO Council on how we hope that they should proceed advancing this forward.

I got some feedback from Steve and I incorporated those into the text part. But then there were questions about the timeline. And so I included four of them here. The very first one was the one that we created and used in Prague, which was the derivative of the one that we used in Costa Rica.

This next one is just only an adjustment for the recent announcement on ICANN as to the potential first availability or first delegation.

Then the last one, which I think is the most important one, is the review team itself. And certainly the AOC is specific that a review team will not be - that a review team will be formed one year after delegation to conduct the review.

The problem here is there's going to be a considerable amount of effort required by that review team to even know what the review's going to look like; i.e., they're going to go through and work every bit of the measures and establish the requirements, build out the framework.

All of that requirements will then be passed over to ICANN to start building it and pulling information out of - were the systems that they have were in parallel, those systems coming up online, etc.

So I - we're out of time here. I'm going to ask that members on the list will respond back, some dialog about this timeline, look at the footnotes that I've included here, and then maybe we can refine this before we kick this up to the GNSO Council.

Cheryl Langdon-Orr:   That's probably - are we meeting next week then?

Berry Cobb:        Yes, we are. Our goal for next week is to spend the entire time to review through the final draft of the advice letter. And if everybody's happy by the end of next week then we'll package it up and send it over to the GNSO Council.

Steve DelBianco:   Berry, this is Steve. Can I make a request that after you add the numbers to the chart and any edits we did today, then if you send it to all of us in the next day or two, maybe each of us can turn - track changes on and make another pass to the document. Because it - not only should I add the two paragraphs we just discussed but there may be other things we could catch.

Berry Cobb:        Right.

Steve DelBianco:   In our next call then we would discuss all of our collective edits to the advice letter, right?

Berry Cobb:        Correct.

Steve DelBianco:   Awesome.

Cheryl Langdon-Orr:   And start off with the timeline part.

Steve DelBianco:   Correct. And I voted for the second timeline.

Cheryl Langdon-Orr:   Sorry, I had it on full screen so I could read the fine print. The second and third you mean.

Berry Cobb:        Well, it's top of the hour. Everybody needs to go. We'll continue this on the list and then pick it up first thing next week.

Cheryl Langdon-Orr:   Okay.

Steve DelBianco: Okay.

Berry Cobb: Thank you every one and see you then.

Cheryl Langdon-Orr: Thank you, bye.

END