JONATHAN ZUCK: Hey folks, why don't you take your seats and mute your computers?

Echo.

Mute your computer, Megan.

I guess we can start the recording now.

Good morning, good afternoon, good evening. And welcome to the first face to face meeting in Hyderabad. It is the 23rd plenary meeting, and the first of the two day face to face. We have some folks in the room, and then do we have the folks that are not in the room on the phone?

[SPEAKER OFF MICROPHONE]

No remote participants, and any observers other than Megan?

[SPEAKER OFF MICROPHONE]

All right.

Yes, hello, in the room, of course. Welcome.

[SPEAKER OFF MICROPHONE]

And does anybody have an updated statements of interest? I keep expecting somebody is going to raise their hand some meeting, say that they've gone to work for Evil Corp. Okay.

So, welcome everyone. We are in a period of high intensity here, through the end of the year. As we have been for the past 10 months,

promising that we would deliver something by the end of the year. And as you all know, that something will not include the results of the DNS abuse survey, and will not yet include the results of the inta-surveys, both of which are sort of measures of downside consequences of the new gTLD program.

And so given the mandate we got from Laurie and from others to do a kind of cost benefit analysis, we'll probably table that and kind of just, at this meeting, present data for interpretation by others, and sort of evaluative interpretations of that sort, like the benefits of the new gTLD program outweigh the costs or something like that.

And one area that I think is going to be interesting and we should discuss that here in the room is that as well, is how to classify things like that 9% change in concentration, and whether or not that feels like a big number or small number, and again, that may be something left as homework for our various audiences.

Our first update is going to be for the Board at the end of the day tomorrow. So one of the things that we need to make sure that we do over the next two days, is come up with our story. You know? Something that we think that they'll buy, no.

And by story, I mean our narrative, right? How is it that we're going to walk through the work that we've done and the work left to be done, so both sort of sharing our status, but also the direction of the work and where the data has taken us. I think that we've come to a pretty stark realization that significantly more data is necessary in the future, and

that one of our top recommendations, as Dan pointed out, it's about a new recommendation, because it was made in 2010 as well.

Right, exactly. More data are necessary, and so that's going to be one of our biggest recommendations. But the next few days, we need to essentially take stock of where we are, understand what's left to be done by the end of the year, and make sure that everyone knows what responsibilities they have to meet those deadlines.

And then we're going to deliver by the end of the year, an interim report, minus those two holes, if you will, for public comment. And then January, take a breath while we're receiving public comment. And then as those studies come in, incorporate those along with the comments and recommendations from the community into a final report to be delivered sometime in the spring, and a date to be assessed later.

So that is what we need to do. And then come out of this meeting with the narrative and how we want to talk about each of the sections of the report, and hopefully reach consensus on this draft in terms of the actual positions we'll be taken, and what things might end up being minority positions, and having assignments for those minority positions as well.

So, without further ado, we have a new survey to digest here of applicants. And so, that's going to, hopefully, inform a number of different areas of our review, so we're very excited to move forward with those results, and I will hand it over to Mr. Nielson.

DAVE DICKINSON: I don't even know what Mr. Nielson's first name actually was.

I've been given… Yeah. All right, so this is very recent data. I actually just got these data tables yesterday, or Monday, west coast time. So, and we don't have anyone out there, but this is Dave Dickinson from Nielsen speaking. And I'm just waiting for the slides to come up on the board.

While we're waiting, I can go ahead and give you the preamble, which is what we did here, is we took the list of… Sorry, somebody has got an open speaker. We took the list of applicants for new gTLDs, removed duplicates from that, culled it down to a list of 512 out of all that was out of the 1,930 applications. That paired down to 512 unique applicants.

We invited them to an online survey, of which, as of Sunday, we had 45 people complete. So a little less than one in 10. So, well from… So, the timeline here was not very good. Well, no, I won't necessarily say the sample was adequate, but you know, response rates for those sorts of things, often tend to be in the realm of 3% level. So you actually did better than what we were expecting.

Yeah. But, not as big as we would have liked, because 45, it's going to be, you know, any analysis of sub-samples is purely directional. We just have to look and kind of see what it suggests, because it's not a large enough sample to carve out. We have reopened it. There were a few people who had found their invites in their spam files, and asked the survey to be reopened.

So we've opened it up. We may get a couple of more, but it's not going to be orders of magnitude. It's going to be a few people. Stan.

STAN BESEN: You said you went to 1,000 to something like 500. Does that mean that some of the applicants applied for more than one name? Is that correct?

DAVE DICKINSON: That's correct, and I'll show you that…

STAN BESEN: So the question is, you have 44% responded, what fraction is that of the strings to which…? This proportionally guides who applied for more than one, or just proportionally guides you for more than one?

DAVE DICKINSON: I haven't done an analysis of who, which companies filed. So, but I can tell you, I have the data here for how many applied for one versus two versus multiples. And the majority filed for one or two to five, I can remember that.

So why don't we go ahead now that the slides are up, why don't we go ahead to the second slide of this? Finish with the preamble here. There we go. I'm sorry, back one.

So the survey was done from the 10th to the 31st, again, it's now back open a little bit. This is… This looks like a slightly older version of the file, so we'll get that updated.

Well, then I messed up and sent you the old one twice. Yeah. So my apologies. Nothing substantive changed. We just mentioned here that ICANN commissioned the study at the request of the CCT review team. Let's see, where they came for? You can see that of the 45, 15 were from the US, 19 from Europe, eight from Asia Oceania, three from [inaudible].

And 16 were registries, 11 were registering for a corporate brand, and then a smattering of other sorts of business that we're registering. We'll go on to the next slide, please.

So, some general facts. 27% applied for one, 40% applied for two to three, and 13% applied for six or more. Why does that not add up? I will check that. Again, apologies. This is fresh off of the… I think that's supposed to be 47%, yeah, that would make sense. 47% applied for one, 40% two to five, 13% six plus.

76% had never before operated a gTLD, of those that responded. 87% had a least one gTLD delegated. 22% withdrew one or more, and 12% have one that still is in process, or unresolved. You notice that adds up to more than 100%, that's because people had applications fall into different categories.

So that's what percent had an application fall into each of those categories. 47% were applying for a brand, 33% for a generic, 24% for a geographic, 20% for a community, and 11% for an IDN. [Inaudible] gTLD

again, that adds up to more than 100%, because people applied for multiple types. And 62% used some form of outside support, a consultant, or firm to submit, and it was mostly, they [inaudible] technical or general assistance. That's why they were using those folks. Next slide.

31% of the applicants reported that at least one of their gTLDs went into a contention set, overwhelming because of an exact match rather than something that was potentially confusing. 13% received GAC early warning, and 11% GAC advice. 31% said they had incorporated public interest commitments into the application.

And then we asked if, in the future, if… The question was phrased, should new gTLDs be issued again in the future…? Yes?

LAUREEN KAPIN: You said public interest commitments, but everyone had to incorporate public interest commitments. Was the question distinguishing between the voluntary public interest commitments and mandatory public interest commitments? That precision is actually quite important.

DAVE DICKINSON: I can look that up and tell you exactly how it was worded.

LAUREEN KAPIN: Right. Carlton raises another excellent point. The terminology changed over time. In the beginning, public interest commitments were viewed as voluntary. After certain points in time, there was a division between

mandatory public interest commitments and voluntary public interest commitments.

DAVE DICKINSON: Actually, I'll keep a track of all of the things we want to clarify. My recollection is we weren't that granular in describing…

ELEEZA AGOPIAN: Actually, we were. This is Eleeza. The question was, did you incorporate voluntary public…? I mean, you all looked at the questionnaire. I remember, Laurie, you suggesting that change. And I can…

I can circulate the…

DAVE DICKINSON: I meant, we didn't describe to them that something had changed. I know what we didn't do that. But we did, obviously, Eleeza looked it up, we included the word voluntary in there.

[SPEAKER OFF MICROPHONE]

ELEEZA AGOPIAN: And just to add on, we also, that was followed by an open-ended question that adds, to summarize the nature and objectives of the picks, which I believe was the phrasing that you had suggested too, Laurie.

DAVID DICKINSON: Sure, so future process, looks at, should additional gTLDs be offered in the future, and staging them in rounds, I'm paraphrasing, but staging them in rounds effective, 56% said that that was an effective way to do it.

Okay, next slide. So, getting into satisfaction with the process, which was the core objective here. 49% said that overall, they felt they received sufficient guidance from ICANN, about 40% said insufficient, and the rest were unable to comment, they weren't involved, or able to give a response. So, close to a 50/50 split there.

When asked if they would apply again using the same process from the rule book. 64% said that they would. And so, in this survey, we asked people if they would be wiling to be re-contacted in the future to participate in a short 15, 20 minute survey to just hear, on a more open ended basis, the number that, as I've been calling these people and talking to them, 21 out of the 45 agreed to that.

And I've talked, the number is actually nine. That's one of the things that got corrected, nine. And I have three or four more setup and I'm still working on the rest. What they said was that the process itself was routine, as onerous and bureaucratic. That was fairly consistent from everyone, rather they were satisfied or not.

And it was marked by some technical malfunctions. So there is that sort of halo around the process. And as such, they're never going to be very satisfied. Only one out of the 45 people said they were very satisfied with the process. And I'll show…

And so a quote from one of the respondents, I said, you know, why did you rate them somewhat satisfied, and they said, you know, somewhat satisfied is actually a pretty good rating, given what this process was like.

Yeah, exactly, they're grading you on a curve. And you have a question.

MEGAN RICHARDS: Yeah, I have question. It's Megan for the record. I just wondered if you asked about the cost, as well. If they were satisfied with the cost of the application, or do you have data about that?

DAVE DICKINSON: In the survey, we did not ask about the cost. Cost came up when I talked to people, after the fact. I have one comment in there, not specifically on cost, but on letters of credit, and the way in which payments were required.

ELEEZA AGOPIAN: I was just looking through the survey. It was a response to one of the questions… This is Eleeza, by the way. Said, for those who had withdrawn, cost was a reason. [Inaudible] as a reason for withdraw.

DAVE DICKINSON: If I had withdrawn, yeah. All right, next, okay. So there are three core satisfaction questions. Overall satisfaction… Satisfaction was the overall process. Satisfaction specifically with the evaluation process,

and satisfaction with transition to delegation for those who had a gTLD delegated. That's a much smaller sample. You can see that's 18 instead of 45.

But, we see 42% said that they were very or somewhat satisfied. Those are almost all, all but one are somewhat satisfied. And we can see that the evaluation process had a few less negative dissatisfied responses, and more neutral, neither satisfied nor dissatisfied. So there was more negativity about the overall process than the specific evaluation step.

And then transferring the delegation, very little dissatisfaction there. And the few folks that I talked to said, well, that was smooth. That was no big deal, and that sort of thing. So once they got to that point, that was okay. Yeah, Megan.

MEGAN RICHARDS: I'm sorry. I have another question. It's Megan for the record. The satisfaction is not brilliant, but it's okay, let's say, but what's curious is that in your previous questions, you asked them would they like to do this [inaudible] period? And something like 60%, or 59, said yes, they thought that this was an effective system, or an effective way of doing this.

Whereas, from satisfaction, it makes you wonder… So the round itself is not the problem, it's the contents of it that [inaudible]…

DAVE DICKINSON: Yeah, you're remembering two questions. One, is doing it in rounds an effective way? And the majority said, yeah, that's effective. And then

we asked, would you do it again under the same rules? And the majority said that they would. That doesn't mean they liked doing it, it doesn't mean that they thought it was a good or flawless process, but they would do it again because they have, I would assume, because they have a need for it.

And I know a couple of folks I've talked to have said that, but they'll be doing it again, because they've got additional plans. Okay? The next, this just looks at the overall satisfaction for the whole process. And what I did here, very small numbers. So you have to be very careful here, but looking at those who still have at least one application in progress, those who completed, and those who withdrew, and as you would expect, those who are still in process or withdrawn, have higher levels of dissatisfaction than those who completed.

So, getting to completion, and when I talked to people, the length of time that the process took was a factor in this dissatisfaction. So if it's still stretched out for them, not a surprise to see that there is a little more dissatisfaction there. The next slide is the same sort of thing, specifically with the application evaluation, the evaluation process. A little bit more positive response here.

Similar pattern, but a little bit more positive response. And again, what I've heard in talking to people, as much as the negativity is about the nature of the process and some of the requirements, not the specific evaluation process. So that's not universal. Some people, as you can see, they were dissatisfied with that as well.

I did not have time to create graphs for this, but I did look at who was dissatisfied and who wasn't, and those who were in the dissatisfied camps are, as you would to expect, less likely to have had their application come to fruition, more likely to have it withdrawn, declined, whatever the outcome might have been, or gone into contention, those sorts of things.

So about the process, some other things. 31% were part of the contention set, overwhelmingly because of being an exact match. I've done this slide. How did we get back here.

Go forward, forward… There we go. So some additional insights from the one on one phone conversations that I've had with these folks, and these folks have been, so far, in all four corners of the world, not of the US, of the world.

So, there were technical problems. There was an outage, there was a digital archery process, none of which were viewed positively, and were seen to not really present ICANN in a good light. Your technical organization, you know, the technology was not great. There were also some comments, I can put them here, some comments about the user interface being kind of clunky, those sorts of things.

There are a number of comments about having changed process or timelines midstream, and that was very frustrating for those who played by the rules. One quote was, "If you work hard to meet the deadline, and somebody else does not, that should be your advantage."

So, consistently that sort of comment came up, that they thought they understood the rules, and then things were changed, and that was

upsetting. And it under minded your credibility. People gave examples of [inaudible] forms, that everyone assumed that those would not be options, and then that was not held through, and things like that, or that there was expected to be linguistic reviews to eliminate similar forms, and that wasn't followed through on.

So, those sorts of things were criticized. There was a common perception that ICANN does not respect the business of financial implications, that delays have on the applicants. They don't realize that it's costing people real money.

Whether that's true or not, that's the perception that's out there. There were comments, the process was about procedure and not the substance of the applications. It's very anecdotal. The sense that that was more, most prevalent among people who were making a community based application, that they thought that the merits of their community application should have been judged more than that they just should check all of the tick boxes.

The letters of credit and the bank transfers required were described variously as onerous, non-standard, illegal, or inappropriate for government entities. One fellow told me he had to upload a copy of the Constitution for his country, just to show that it wasn't feasible, or it wasn't easily done, and that they weren't going to be going away anywhere soon, that sort of thing.

And lastly, there is generally a recognition that the communication methods were designed to convey impartiality, but not everyone believed that that impartiality was maintained. Whether, you know,

that comes from dissatisfied people, so you know, for whatever reason, but that was voiced.

So those were the, of the nine people that I've talked to, those were kind of the predominant kind of takeaways, or additional color that we can layer into the overall survey findings. And I believe that's the last slide.

JORDYN BUCHANAN: It's Jordyn Buchanan. So, on that last point about impartiality, is that, people didn't believe that ICANN was impartial in terms of its communications, or in terms of the substance of the evaluation?

DAVE DICKINSON: That comment was more about expecting, or the perception that some people had access to communicate, where everyone else was limited to email, or formula communications. There was no perception… I've asked people, you know, what was the tone of the communication like? It was fine, it was just bureaucratic and formulated.

Now, there were a few comments from people questioning whether the evaluation process was really as impartial as it was supposed to, but that wasn't a widely voiced thing.

UNKNOWN SPEAKER: I seem to recall that most of the contentions were settled by agreement between the parties, is that correct? Is that wrong?

DAVE DICKINSON: So, first thing I should say is, this is obviously 45 people out of 512. So, most would be best answered by looking at your records. What I can say through here, the internal agreement or auction, I believe, were the most common results, and I can look that up for the people that were in the survey.

UNKNOWN SPEAKER: I guess the question is, what does it mean by impartiality? I can imagine two people applying for the same name, but the person who doesn't get it thinks the process was impartial. So, how does impartiality manifest itself in the outcome?

DAVE DICKINSON: When people talked about it, it was perceptions of influence, changing the rules, kind of, what was altering the timeline, some things like that. That was kind of the red flags that we were suggesting to people, that…

UNKNOWN SPEAKER: …drop out because they thought the process was biased against them?

DAVE DICKINSON: No. I didn't hear anyone saying I'm going to take my ball and go home. They followed it through.

UNKNOWN SPEAKER: How was the impartiality manifested in the behavior of the applicants? How did it affect their behavior? Their perceptions of lack of impartiality?

[SPEAKER OFF MICROPHONE]

DAVE DICKINSON: This again, is from the follow-up interviews where I'm asking people directly. So there was no core process. How did it manifest? Through, trying to think, there were a lot of varying things. That they only got to communicate by email, but they expected that large registrars were talking to ICANN daily.

That there was, I'm blanking on the term, the independent objector, is that the right term? Yeah, that that person seemed to have… So that came up in one process, and that just seemed like that person had a lot of influence. It wasn't justified.

[SPEAKER OFF MICROPHONE]

UNKNOWN SPEAKER: …if I'm not mistaken. In the contention series… Can you hear me if I speak like this? Contention cases, there was an independent panel to look at the contention issues, and that's one of the things we've been looking at. We didn't have enough data, so that was why we were waiting for your final results.

And that, I think, I can understand why people would say that process wasn't impartial, or they had the impression that it wasn't impartial, because the results were really [foreign language], as we say.

DAVE DICKINSON: Yeah, and there was only… So of the people I've spoken to, there was only one who specifically mentioned the independent objector, but they would talk about other things. They would say, the panel didn't seem to be uniform in the way they approached, things like that. So, no one of those things were pervasive, but if you ask what were the flags?

It made people question impartiality, those were the sorts of things.

ELEEZA AGOPIAN: This is Eleeza. If I can just add, as Dave mentioned, this is really early data, and you haven't even coded the open-ended answers, so I have a feeling that you'll probably see some more interesting trends once you see the coding there.

DAVE DICKINSON: Yeah, and in fact, I have read for the ones for the 21 people who said we could read contact, and so I've read about half of them, but none of them have been coded yet.

JONATHAN ZUCK: This is Jonathan for the record. I have, I guess, a few questions. One is, I thought there was some non-opened ended questions that had to do

with whether or not, for example, you had gotten help with your application. Did I miss that in your summary?

DAVE DICKINSON: Yeah. It was one of the data points that I threw on one of the earlier slides. 60 some percent got some form of help, primarily they said it was for technical or just general application support.

JONATHAN ZUCK: And then I guess, thank you. And the only thing that I saw that was a, I guess a kind of a cross-tab, was the notion that people who were still to be delegated have a lower satisfaction level, but if you cross-reference the people that got help on the satisfaction, or with people whose application did not succeed, is there a way to help us understand the benefits of getting that help?

DAVE DICKINSON: Yeah. I don't, I've got something I can look at real quickly here, and I think I can get, I think I can get us there.

JONATHAN ZUCK: Okay. Yeah, I'm just trying to go back to some of the things that we have talked about, trying to derive from this, some of the questions we asked. You know, the advantages of people with more money or better connections in the community, that sort of thing, was one of the high level questions.

DAVE DICKINSON: In the end, one comment there, is that a large percentage of the people who responded to the survey, were active ICANN participants. And I notice that was true of those who were dissatisfied with the process as well as those who were satisfied.

JONATHAN ZUCK: Well, it's a feature of the ICANN community to be dissatisfied, so I'm not sure that I'm particularly surprised by that result. So that's my point, I think satisfaction, to me, is a less interesting, it's sort of like trust. And Laureen's concerns about who do you trust, I think we need to look at behavior and successful outcomes and things like that as much as possible, to try and correlate the way they behaved, or the advantages they did or didn't have with their success in the process.

So I'm interested also in, you know… And again, this is very dicey with the small number of respondents, but the geographic breakdown of people that seem to have successful versus non-successful experience. I'm trying to look for areas where folks had advantages or didn't have advantages. And so, satisfaction, I think, is probably going to be an interesting [inaudible] concept really…

DAVE DICKINSON: I can go through all of those. So when you're ready, I've got the print out open [CROSSTALK]….

JONATHAN ZUCK: …open-ended question is, what can we do, besides us all just devoting this afternoon to getting on the phone? How can we get the number of respondents up? I mean, it just feels like a really paltry response rate, and I don't know, it doesn't…. I'm surely concerned about that number.

UNKNOWN SPEAKER: Can I ask a question as well, which relates very much to what Jonathan has already said, and what you've said as well. And that relates to, from a Neilson perspective, a survey perspective, is it generally seen that the people who respond in these cases, are those who are more unsatisfied or more satisfied?

From the surveys that we do, it's usually the greasy wheel, the noisy wheel gets the, the squeaky wheel gets the grease. So, those who are grumpy about the whole process are the ones who tend to respond, or be more active about response. So I don't know, that's from a general survey point of view. If that's the case [CROSSTALK]…

JONATHAN ZUCK: This is Jonathan again. It seems to be suggesting that it's the people that are more actively engaged in the community are the ones that responded, and so, which we know are all dissatisfied. But I mean, the truth is, we need to find a way to get people who are [CROSSTALK] disenfranchised from the community instead of trying to get correlation to outcomes, if we can.

[SPEAKER OFF MICROPHONE]

CARLTON SAMUELS: Thank you Jonathan. I wanted to just emphasize what you said. The people outside of the ICANN environment, I would like to know how they're impacted by what's happening. The other thing is, the help, 64% said they had to use some outside help for technical. I would want to see if we could delve a little bit deeper into asking them if that help, they believe, if it was a positive on their success or failure. I'll tell you why, in a little more in-depth.

I'll tell you why. When we looked at the persons who were in the applicant support cohort, one of the big things that came out is that they needed help, they needed assistance to get the applications done, etc. and so on. And it would be interesting to find out those who have used outside assistance, that were not part of that cohort, what was the thinking about that? We would like to know that, thanks.

UNKNOWN SPEAKER: And Waudo had a question.

WAUDO SIGANGA: Waudo for the record. I think on that same thing, digging deeper. You said that 56% say that staging another round, or staging this round was effective, and they would be happy to participate if another round was opened up.

I'm just wondering, is it possible to divide this 56% into those who were applying as brands, and those who are applying at non-brands? Or do you feel that the [inaudible] of applicants were basically having similar feelings about it?

DAVE DICKINSON: Yeah, unfortunately on that one, the numbers are going to be so small that we wouldn't be able to draw, from what we've got here, we wouldn't be able to draw a conclusion because, you know, it's going to be 15 people in one camp, 14 people in another camp. So, I can look at it, but it's not likely to yield us anything substantive, unfortunately, unless we can get the numbers up.

So, Stan, your original question, I was wrong. I'm sorry.

UNKNOWN SPEAKER: I think Calvin had a question.

[SPEAKER OFF MICROPHONE]

JONATHAN ZUCK: Calvin, are you on the phone? Can you hear him? Yes, go ahead please, thank you.

CALVIN BROWNE: Okay, great. When you were pairing down the number of applicants response, I'm wondering [inaudible]… Did you take into consideration subsidiaries of…? I know there were a couple of organizations that pick up custom purposed companies just for each application. Did you take that into account? Did you fold those into the holding companies or anything like that? I'm not sure if I'm making sense there.

ELEEZA AGOPIAN: Calvin, this is Eleeza. I can answer that. So, I constructed the list with the help of a number of people within ICANN. And the way we broke down the 1,930 number, we looked at applicant points of contact and registry points of contact for each application, if they had a registry point of contact, meaning they had gone through the contracting process, or somewhere at that point, we used that, because it was the most recent contact.

We did consolidate, so doughnuts received one contact. For example, Google had one, maybe two contacts. We did try to send one or two to some companies to make sure it got to the right person in that firm, but we didn't want to inundate large portfolio applicants with multiple emails, which I think was fairly effective, but it is a pretty challenging exercise to pare down the list, particularly for those applications that had, or those applicants who had withdrawn and didn't have any successful applications, you know, the contacts we had for them were several years old, so we had a number of bounce backs as a result of that.

And we didn't have more recent contact information for some of those folks. So that's how we got down to the 500, seven and 12 actually.

JONATHAN ZUCK: Eleeza, this is Jonathan. So, the 512 takes into account bounce backs, so there were bounce backs after that, and just…

ELEEZA AGOPIAN: Taken into account. There were 45 bounce backs in all, I think, from the 512, and we have, we were able to update some of those, and reached out to them again, and those emails went through, but not all of them. A lot of them were applicants that had withdrawn, and so there was no other, no contact for that person again, since they didn't have any other contact with ICANN after that application withdrew.

That was only [CROSSTALK]…

JONATHAN ZUCK: So out of 512, there were 45 bounce backs. I'm trying to get to a number, a realistic number of what we could try to do to grow this sample size.

ELEEZA AGOPIAN: To tell you a little about what we did. We sent out… ICANN sent out a notice to all applicant and registry points of contact that we have on file. So that covered all of our context that we had. We also sent a notice to the registry stakeholder's group, we sent two notices I think, to the registry stakeholder's group, which actually got a couple of emails from people, I didn't find it, or it might have gone in my spam.

So I was able to find the right context that way. Neilson sent out, I think, two or three reminders, invitation reminders as well. So, we sent out a number of emails, and we were cautious about not wanting to flood people's inboxes too, but also wanting to reach them. We also asked all of our registry services engagement team to reach out to their

contacts and told them to look out for these invitations from Neilson, and encourage their customers to answer as well.

So, we did quite a bit to try to promote it as much as possible. I mean, I'm happy to take lessons on how much more we could do, but we did do a lot of outreach.

UNKNOWN SPEAKER: It's [inaudible]. So, one obvious week, is that the stakeholder group is meeting on Sunday, so that's a good place where there is a lot of registries all at the same time. So I'd certainly…

[SPEAKER OFF MICROPHONE]

Yeah, I would certainly think that it would make sense to keep the survey open until at least the end of this meeting, and then we could sort of nag people in person while they're here.

DAVE DICKINSON: And we could have some form of sign up or something, in that if they didn't remember getting the invite, they could give us contact information, and I think that would be all right. Eleeza, yeah?

ELEEZA AGOPIAN: I think that's a good idea.

JONATHAN ZUCK: Can we try to get on our agenda?

Who is that, Jean-Baptiste? Who should try to…? Can we try to get on the agenda of the registry stakeholder group?

And then what about the brands? Do they have a group meeting this week too?

UNKNOWN SPEAKER: I think most of the brands, of the BRG members, will also be on the registry stakeholder group meeting, but it's possible to separately hit up… I think there is a BRG meeting here as well.

JONATHAN ZUCK: I mean, let's… I would say let's try both, if we can. We're just going to have trouble drawing conclusions. As soon as we try to separate things, I mean, it's a perfectly legitimate question, separate brands from normal applicants. If we can't do that, it really undermines the survey, I think.

Stan, go ahead.

STAN BESEN: This is not about the survey. I just want to make a more general point. There actually is a reasonably large academic literature on processes, that in some ways, the assignment of timber cutting rights, or drilling rights, most prominently, radio frequency spectrum.

I think there is something to be learned from that literature about which processes work well and which don't, that may have some carry over to

a future round. So, I'm not proposing this for this committee, but we might, staff might think about possibly drawing on that literature as they think about the way the process might be modified in the future.

JONATHAN ZUCK: Thanks Stan. Okay, so I guess we'll have to address the individual things that came up, but we're going to keep, let's try this week to really hammer.

DAVE DICKINSON: Yes, so to your question about those who are filing as corporate brand versus other uses, the date is very close in terms of split between satisfied and dissatisfied, and so at least I can tell you that, that it doesn't seem like any one, what would we call that? An objective for filing, any one of those groups was systematically disadvantaged or more dissatisfied or satisfied.

It looks fairly evenly split. Stan, you asked about how the contentions were resolved. Over 70% private settlement, yeah. So it sounds like that fits with what you guys expected to hear there.

I can tell you right here, hang on.

71, so we had 14 people who went through contention and had it resolved, no, 14 who went through contention, 71% said it was a private settlement. Community priority evaluation was 14% or two people. ICANN's sponsored optioned was 29% or four people.   And the contention has yet to be resolved, 4 people, 29.

So again, they're talking about multiple applications, so it adds up to more than 100. Effective, whether they got effective help. Those that said, that yes… So the question was, do you think you received sufficient guidance from ICANN during the application process? Among those who were very or somewhat satisfied, 68% say yes, 16% said no, 16% said I don't know, I wasn't involved at that level.

Among those were somewhat or very dissatisfied, 20% said yes, 80% said no. So definitely there is a relationship there between the perception of the effectiveness of the guidance they received, and…

[SPEAKER OFF SPEAKER]

That's correct. This is from ICANN. I don't have… Let's see. I can look at that. Hang on one second.

Basically, whether or not they used an outside firm to assist, or for any reason, had no relationship to whether they were satisfied or dissatisfied, the numbers are almost even. The percentages are almost even.

Was that all of the questions that came up? Or am I missing one?

UNKNOWN SPEAKER: The one about general negativity, or the response…

[SPEAKER OFF MICROPHONE]

DAVE DICKINSON: I can… I think we were going to look at… Maybe this is what you're thinking of, what their previous involvement with ICANN had been.

UNKNOWN SPEAKER: Because he said they were primarily from the ICANN community. And Jonathan [inaudible]… Dissatisfied, not grumpy.

[SPEAKER OFF MICROPHONE]

DAVE DICKINSON: I would like to know the one who was very satisfied wants, because it was a very outlier response.

[SPEAKER OFF MICROPHONE]

No. Not yet. I've got four more people to chase down.

JONATHAN ZUCK: I guess I'm also interested in regional breakdown, global north, global south.

DAVE DICKINSON: That was it. Yeah, because there was something interesting there. Of the people who are on the dissatisfied of the spectrum, 60% of them came from the United States, that compares to 27% for those who are neutral, and 16% for those who were on the satisfied side of the spectrum.

So definitely the US respondents were more likely to be squeaky wheels, as you like to say, yeah. Dissatisfied. Yeah.

UNKNOWN SPEAKER: Again, it's so hard with small data. I'm trying to figure out how to tell a story about the global south. In other words, of the people that said they got help from outside resources, what percentage of applicants in the global south did that, for example? Is there a way to look at that?

DAVE DICKINSON: There is, I don't have that data here today. [CROSSTALK]

JONATHAN ZUCK: …not to put you on the spot, but to say, looking back at this data, a lot of what we're trying to do is understand how this process served the developing world. And so, whatever we have that information about where they are from, I'd love to then look at other data through that lens whenever possible, so that really should be its own [CROSSTALK] …that's all I need.

Because a lot of the questions we're asking is kind of asking how this process worked for them, so even other qualifying questions and where those correlations were in terms of whether or not their strings are still in process, whether or not they were, went through auction, or whether or not it was handled privately.

All of that kind of information, I think, is useful through the lens of whether or not they're from the global north or south. Does that make sense?

UNKNOWN SPEAKER: Yeah. And can I add to what Jonathan said, and that is that if you asked for assistance, either general or technical, you had to pay for it. So, there is an additional cost, not just the application a whole administrative and other costs that you had to go to, so there was an additional cost element in that. So if you have anything on that, that would also be useful for us to [inaudible] how that impacts the whole [inaudible].

DAVE DICKINSON: I can look at that open ended. Eleeza referenced about what's cost of rationale for withdrawing, that would be about the only thing that we would have there. Global south, I think the only questions that I have represented in the study that are from southern hemisphere are Brazil and Australia, and there is only five people there, so that adds up to five.

[SPEAKER OFF MICROPHONE]

Okay. So then Brazil is the only thing, which is three people.

[SPEAKER OFF MICROPHONE]

No African responses.   China.   Nothing in the…   So here are the countries that responded.   Australia, Belgium, Brazil, China, France,

Germany, Japan, Netherlands, Russian Federation, United Kingdom, and US.

[SPEAKER OFF MICROPHONE]

Five.

[SPEAKER OFF MICROPHONE]

And for what it's worth, 80% of the… So, four out of five were on the satisfied side from China.

[SPEAKER OFF MICROPHONE]

UNKNOWN SPEAKER: I'm just wondering. There was a special case from Africa, 10 applicants actually, would say withdrew in court, so they just kind of faded away after the process. They already signed the registry agreement. So, I don't know how that can be followed up. I think it was important for [inaudible] to know, get some reason, why they withdraw at that late moment. I don't know what you can say about that.

JONATHAN ZUCK: Do we know how to reach them?

[CROSSTALK]

UNKNOWN SPEAKER: They are known, they are known. So I don't know what Eleeza can say, their contacts are there on the applications.

UNKNOWN SPEAKER: On text, we had for all applicants. So if they withdrew, it was whatever they had provided as an application point of contact.

JONATHAN ZUCK: Is there a way to follow… [CROSSTALK] …I don't know what you're engagement, I figure which team you said. Some team is out of ICANN, engagement team, or somebody, reached out, but was that also just an email out to those contacts as well?

[CROSSTALK]

UNKNOWN SPEAKER: …in their regular, you know, business with registries.

JONATHAN ZUCK: I feel like we ought to cull down this list or something, to try to get people to pay attention to it. This is not enough, yeah. Identify yourself too, thank you.

UNKNOWN SPEAKER: Thank you Jonathan. One thing that I think we have not commented [CROSSTALK] Sorry. I'm asleep, to tell you the truth. One thing we have not commented is, the background of the applicants. In the first or second one, you have a selection, who are back end providers? Who are registries? And who are brands?

So it dilutes even the sample to a much smaller, to a much smaller degree. And I guess if you have a registry or a back end provider, is somebody who is very knowledgeable, I'm jumping into [inaudible] conclusions here. And the other ones who are trying this business model for the first time, are really new to the, like new and all people knowledgeable, or new people.

I don't… It's in the first or the second chart. I thought this data was really relevant, but it makes it even smaller.

DAVE DICKINSON: And very anecdotally, of course, this is based off the people I spoke to, but I spoke to both ends of that spectrum. Universally, they would say that the process was bureaucratic, cumbersome, flawed. The little guys, the people who had never done it before, were applying for one, for a specific thing, actually were a little less critical, because they came to a point of view of, you know, I'm a little fish in a big pond, they're not going to change their processes for me.

The guys that were most scathing, tended to be, are the people who had been involved for a long time, or from companies that were well established. And so, and to that point, I'm looking at this, which is… The question is, prior to applying for a new gTLD, did you participate in the ICANN community, if at all?

Numbers are very similar between those who are dissatisfied and satisfied, in terms of, I learned about it as an active participant in the ICANN community, sorry. That's the wrong, there we go. I regularly

followed news and events from ICANN, same percentages, basically. I regularly attended ICANN meetings, same percentages.

I participate in a policy development process, much higher for those who are dissatisfied. 47% to 16%.

JONATHAN ZUCK: Stan, want to respond?

DAVE DICKINSON: I didn't recognize his voice. I submitted public comments on policy issues, 40% to 16%. Those were the only two responses in this question where there was a difference between… So the dissatisfied folks are more active, involved people. And, oh that was your question, way back on, which was, who responds to surveys like this?

In my experience, and there have been some things, in general, it's the polls. It's the people who feel some association and loyalty and are positive, and those people who have an ax to grind. The people in the middle tend to say I don't have time. And you see that in satisfaction studies regularly, over and over again.

UNKNOWN SPEAKER: Just to clarify, when you say polls, that's not P-O-L-E-S. It's people at either end of the spectrum he means. Because when we say Poles, we mean people from Poland.

[LAUGHTER]

DAVE DICKINSON: [Inaudible] internet [inaudible] thing, you know.

JONATHAN ZUCK: Other questions for Dave. So, I guess coming away from this, we're going to do everything we can to talk about this meeting with the folks that try and get these numbers up, because…

DAVE DICKINSON: And I will go back and brainstorm with my team about what we can do, in those sessions. What day are those sessions? Friday or Saturday?

[SPEAKER OFF MICROPHONE]

We are talking about the…

JONATHAN ZUCK: The registry stakeholder group. We're not on their agenda yet, so…

DAVE DICKINSON: I understand.

JONATHAN ZUCK: And the BRG session.

UNKNOWN SPEAKER: Thank you. The registry stakeholder group is on Sunday, I think it's after you leave, but maybe we can enlist Jordyn's help to get us on their agenda? Thank you.

DAVE DICKINSON: Well, and I'm thinking of… Either we convert this into something they could fill, or we have a card that they could, with an unique identifier on it, you know, a code, something like that, that we could just hand out, you know, a fortune cookie slip with a code and an URL, and see if we can't get people to go to it that way.

I'll work with my team to see what they can come up with.

UNKNOWN SPEAKER: That would be really helpful, thank you.

JONATHAN ZUCK: And is there any way to call…? I mean, it is only 500 names, is there any way to call down the list to try and…? Do we have phone contact for folks? I don't mean to keep pushing this, I'm just really concerned about…

DAVE DICKINSON: I don't have the complete list, so today I can look at the list I have and see what percentage we have phone contacts for, I know it's not 100%. But yeah, I mean, if you wanted to, we could try and convert it to a

phone call, that isn't necessarily going to guarantee that they're going to respond, if they don't want to, but we can try that.

JONATHAN ZUCK: Okay. Any other questions from anyone else on the survey?

All right. Thanks Dave.

DAVE DICKINSON: I'll look up the phone contact right now while I'm sitting here.

JONATHAN ZUCK: …scheduled to speak.

UNKNOWN SPEAKER: I believe at 1:15.

JONATHAN ZUCK: Yeah, so at 1:15, there is an informal survey that didn't apply to [inaudible] sort of, and we're going to revisit the issue of the global south and the kinds of data that we're trying to get out of them, so it might be worth participating in that. But right now, we only have four respondents that even put in that category. So that's the problem. We need those numbers in particular to go up, if we can.

Yeah, that was all informal conversation.

DAVE DICKINSON: So I just glanced at the… No. The numbers I had where numbers they entered when they agreed to be re-contacted. So you have to see if you can get numbers, Eleeza.

ELEEZA AGOPIAN: I can… I know we have phone numbers. I'd have to merge the list, but it's certainly possible, I think we should discuss what's the best way to do that, and actually reach out to folks. 500 phone calls is a lot of phone calls, 450 phone calls, but we'll see.

[SPEAKER OFF MICROPHONE]

JONATHAN ZUCK: We're in Hyderabad. I'm just saying. We might be able to find some place to make the calls right away, I don't know. I just… On the one hand, it feels like a lot of phone calls, on the other hands, it's fewer than the number of phone calls I was [inaudible] for CCWG, so I just… I feel like we need to do… I feel we can't stand at these numbers.

We can't give up at this number of respondents, I think.

No, I know. Yeah, let's have a session in the registry stakeholder group where we ask questions and get people to raise their hands, or something, I don't know. So, I encourage everyone to think creatively about this situation. It's my contention that this 45 number doesn't get enough information for the things we're trying to get out of this survey, unfortunately.

As I'm bumped out of the Adobe Connect room again, so I don't even know what's next on the agenda.

PAMELA SMITH: This is Pamela. Technically, you have a break from 10:15 until 10:30, and then we reconvene.

JONATHAN ZUCK: [Inaudible] would be useful, or I could just take it from the other end of your break. So is the break stuff out there? If we let them have their break now and just be back by 10:20?

All right, everyone, go get some coffee. And we will reconvene at 10:20. So that doesn't mean that's the time to go to the bathroom. That means we're going to be talking again at 10:20. Thanks.

Attention shoppers, attention shoppers, there is a blue light special at your seat.

UNKNOWN SPEAKER: Recording is resumed for day one of the CCT review meeting at ICANN 57.

JONATHAN ZUCK: We need the observers to observe and not distract our review team members.

All right, everyone, please take your seats, [inaudible] aside.

All right, welcome back. I guess I don't have anybody waiting online for us, so that's a positive… Oh, actually Calvin, probably.

Excellent. Thanks for sticking it out through the break. Calvin, it's definitely the most unique story that I've heard from missing a meeting. And I've heard, and believe me, I've heard most of them.

And now the story is that he's drowning. Okay. So Laureen, you might be able to [inaudible] rather than waiting for the… I can manage the queue for you, if that's helpful.

UNKNOWN SPEAKER: You should have that power.

LAUREEN KAPIN: So we're just going over…?

JONATHAN ZUCK: The narrative, and try to get consensus on it, and have people raise their issues, because when we leave this meeting, we're going to be drafting. There you go.

LAUREEN KAPIN: Okay, so for the record, this is Laureen Kapin. And we're going to be talking about the draft to very blurry findings. Is there any way to make that crisper, by any chance?

…already refocused, okay.

That is better. Yes, then you can read it on your Adobe Connect also. So, what we would like to do is, is go through these draft findings, and there are some places where we still also have some content to put in, particularly for the voluntary public interest commitments, and the rights protection mechanisms.

But let's go through these draft findings, and basically, as you will recall, we had this, through dual lens between objective perspective and a subjective perspective, and our safeguards really fall into the dual issues of trustworthiness of the gTLD program and the overall DNS, and also how the safeguards, whether the safeguards, have been sufficient to mitigate issues involved in the expansion of the DNS through the new gTLD program.

So, that is the objective part. Subjectively, our second set of issues, which are in the latter half of these findings, really focus on the data we've received from the Neilson surveys about consumers. And when I say consumers, I mean both end users and registrants, how folks are perceiving the trustworthiness of new gTLDs, especially as compared to a legacy gTLDs, and trustworthiness of the DNS overall.

So that's our subjective component. So, I'll start first with the trustworthiness. Our high level question, as you'll recall, has the new gTLD program put mechanisms in place to improve the trustworthiness of the DNS? And there, the answer is yes. There are many safeguards that were incorporated into both registry agreements, and the downstream agreements.

So that's the registry, registrar agreement, it's the new registrar agreement, it's the agreement between registrars and registrants. These are all of the downstream agreements that contain various safeguards. And the safeguards are subject to the ICANN compliance procedures, because they are contractual obligations.

So, in terms of has the new gTLD program put mechanisms in place? The answer is yes, in fact, many, many mechanisms. And then we've drilled down more into certain buckets. The first being, with a nod to Calvin on the phone, who has tackled this issue, the technical safeguards. And in terms of technical safeguards, and you'll see from the findings that there are a variety of them, technical vetting, DNSSEC, wildcarding, [inaudible], centralized access to zone files, etc.

These have been incorporated, either through the application process, or the contract process, and they've all been implemented accept for a voluntary frame for high security zones, which haven't been implemented at this point in time. So in terms of the technical safeguards, it's actually a fairly straightforward answer that there were a number of technical safeguards, and they have been implemented. Yes.

MEGAN RICHARDS: Sorry to interrupt you so soon, Laureen. It's Megan speaking. I just wanted to ask you a question and see if there is a way of making this even more robust, that's the word I'm going to use. Because your question is absolutely correct. And your answer, I think, is correct, but I'm just trying to find a way to show that this is substantiated both by

the consumer survey, and the registrant survey, to show that these safeguards have been, have showed increased trust.

Because what you say here, is that the safeguards were incorporated, which is nice, but it's also the safeguards didn't do anything. So what's important is the perception from the consumers and the registrants, isn't it?

LAUREEN KAPIN: Well, there are two… You raise a good issue, Megan. It's a little bit of apples and oranges, because the Neilson survey, for example, asked about registrants and end users perceptions of trust, but they didn't really ask about, well, do you think the technical safeguards, for example, make things more trustworthy?

It wasn't that level of specificity. So, we can't really point to the Neilson data as something that's really connected to the safeguards specifically. What we can say is that folks do have perceptions of trustworthiness, regarding certain specified new gTLDs, but whether they're aware of the safeguards, specifically? We don't know.

We do have information that there is an expectation about registration restrictions, and that's a related issue to safeguards, but more than that, I don't think we can say. Generally speaking, for the safeguards, the data sources that we've looked at are the contracts themselves, and ICANN compliance, to see… I'm sorry.

[SPEAKER OFF MICROPHONE]

Right. And yeah, and the ICANN compliance procedures and data that's available through ICANN compliance, to see whether there are complaints, whether complaints have been received, because that will show that the process is, that a process is in place, and is able to receive complaints.

Really, we've looked at that, that sort of information. Go ahead, Megan.

MEGAN RICHARDS: That's very useful. So then, is it useful to add something here? Not a lot, but a nugget of what you've said about the technical safeguards, to show that they have been operational in improving the safety and security of the…?

LAUREEN KAPIN: There, we make a leap, because I think for that, to answer that question, we would really need more objective data dealing with abuse. And that is where the DNS abuse study that we're hoping to get off the ground, which I would also love an update on in terms of timing at some point, that is where that study would come into play, were we'd really like to do a comparison between the abuse levels going on in the DNS before the new gTLD expansion, and afterwards.

And therefore to be able to draw some correlations. So, we are still, as [inaudible] seen, we're still in early days. Once we have this information, we would be able to draw some correlations, but it would only be a correlation because it would be very difficult to say, well this

one safeguard has really reduced DNS abuse, that isn't the way we can control, in terms of the data we're expecting.

And Drew, jump in if I'm mucking this up or being imprecise in some way.

DREW BAGLEY: This is Drew for the record. You are not at all. As Laureen is stating, I think the best we could do is we can describe which types of abuse were intended to be mitigated by the new safeguards. And then draw correlations between abuse rates related to those types of abuse, but as Laureen is mentioning, we definitely would not be able to do anything that would prove cause and effect.

And so, the ability to at least draw correlations, I think, would be helpful enough. Where from that, you would at least be able to see, you know, oh, perhaps with all of these new safeguards, they is still X type of abuse going on, or maybe it's even more ramped, and that would at least inform future decision making regarding new safeguards, or revisiting existing safeguards, or maybe you would see the opposite.

So it would still be insightful, I think, but that's probably the best we could do.

LAUREEN KAPIN: Waudo.

WAUDO SIGANGA: Thank you. Waudo for the record. I think as a follow-up to Megan's point. I think it would be useful if, in this high level findings, you indicating the source of your conclusions, because if you are to explain to us here, then someone else who is reading the report would not [inaudible]…

I think it's best to incorporate just to say that you got information from the agreement, from the registry agreements, so these are the sources that you are seeing on the head of a finding.

LAUREEN KAPIN: Yes, and in our discussion papers, Waudo, in fact, I think this is Calvin's discussion papers. Calvin, did your discussion paper reference your sources? Are you still with us, Calvin?

WAUDO SIGANGA: Okay, sorry. Just to make it clear, I think [inaudible] is okay, but I think what's in the high level findings, we could just indicate according to the registry agreements, or wherever you're getting the information from, so that someone who is reading the high level findings can also have that indication.

LAUREEN KAPIN: Yes. And I agree with you. [Inaudible] these high level, these high level findings, this document is not going to be something that is presented to the community. This is sort of our working document from which to, as I'm understanding the process, this is our working document that we're going to use to populate some very general slides.

But when we get to our drafting sessions with preliminary findings, all of that will be sourced. So this is more of a shorthand for us to develop a narrative and a framework. But I agree with you, 100%, that for any draft report that goes out to the community, that all has to show our sources, and that's why I've been quite clear with all of my sub-team, that whenever we're writing our discussion papers and our findings that it all has to be sourced. So I agree with you.

JONATHAN ZUCK: Just to clarify, since you asked. I mean, from a process standpoint, these narratives are meant to get us all on board in terms of consensus around these findings. In other words, if you believe the data you have seen contradict these findings, now is the time to raise that because we're trying to achieve consensus here among the review team, and these are the tools for doing that.

So it's not the documentation of these findings, it's the presentation of them. So, as Laureen said, it will result in some slides for these various presentations that happen this week, but more important than that, is that it will result in the direction that we're going, as we begin to draft the report itself.

So, we need to come away from these two days with where we have consensus, and where we don't, and where we're going to need to make room for minority findings, or something like that. And so, this is meant to be sufficient level of detail for discussion purposes. So if you have a substantive issue, please raise it now, because your silence is consent to these findings. Does that make sense?

WAUDO SIGANGA: Okay, Waudo again. [Inaudible] yes, the confusion that's caused, because the original question was, whether there was any reference from the Neilson studies in this…

There was not, yeah. The question was raised because these high level findings are not indicating to us where they came from. So, it can be one sentence of something, according to…

JONATHAN ZUCK: Parentheticals or something that came from Neilson, or this came from…

Okay. I don't know what order people… I think it's Jordyn and then Stan.

JORDYN BUCHANAN: This is Jordyn Buchanan. So just looking… Honing in for a second on the discussion around, did these work? As opposed to where they implemented. I feel like, when I look at this list of technical safeguards in particular, most of them are not targeted at abuse per se. So, for example, orphan glue records appropriately mange. That's not intended to prevent abuse I think in the way that we're thinking of abuse, in the context of the survey.

Rather they're a matter of technical hygiene. They're like these are best practices registry operators should be implemented, similarly just the technical [inaudible] of the registry operator. That's not designed to

say, oh, this is, these are good people that aren't going to break the internet, it's like, it's to say, are you capable of running a registry so it doesn't follow…? It's more to protect registrants from failure, from technical failure, then it is to prevent abuse per se.

So, I wonder if there are not to be a separate set of measurements around, are these effective in accomplishing the sort of technical hygiene that they're targeted at, as opposed to just thinking about the abuse angle.

And I know that because we talked about safeguards, we're usually thinking about abuse, but I don't think it's quite the case here.

JONATHAN ZUCK: I guess my reaction is that I don't… The broader, high level question we're asking is about trustworthiness of the DNS, not just abuse. In other words, has the… This is the objective, and I'm sorry if I'm walking on your presentation, but Laureen made the distinction at the beginning that we're kind of figuring out some objectives out this, and [inaudible], right?

So, the difference between trust and trustworthiness, and so that first question that came out of Vienna was, has the new gTLD program improved the trustworthiness of the DNS? And so, finding DNS abuse is one way to do that, preserving the technical hygiene, as you put it, is another way to do that as well, right?

I mean, you're still creating an increase in trust in the DNS itself, right?

JORDYN BUCHANAN: So I agree with that. I guess I'm just asking, do we have any of the…? Like, we're doing a study to figure out whether the DNS abuse, what the effect of DNS abuse is. Are we doing a parallel study to understand whether or not these were effective at, you know, sort of cleaning up, or making sure that there wasn't bad hygiene, or whatever they're targeted at.

JONATHAN ZUCK: I think at this point, we don't have a study planned for internet hygiene.

BRIAN AITCHISON: This is Brian Aitchison for the record. I just wanted to respond to Jordyn. Jordyn, you're exactly right, and one level that you don't really see on this, and I think we should probably add, is these…   Nine safeguards emerged from four questions that were initially asked in a 2009 memo called, mitigating malicious conduct. And so, if you look at DNSSEC deployment wildcarding an orphan glue records, these all came out of the question of how we ensure the integrity and utility of registry information.

If you look at the next four, there is one missing here, and I'm noting that with Calvin, which is documented registry and registrar level abuse contacts. Also thick WHOIS centralized zone file access, and the ERSR process, came out of the question was, how do we ensure more focused efforts on combating identified abuse?

So there is definitely a segmentation there. And the DNS abuse study is sort of targeted at those, the latter question I just asked, so it will

inform that. But on wild carding, on orphan glue, there is no… We haven't received any complaints on them, and the sort of anecdotal evidence I received from the community, is that these aren't really controversial.

They work, no one complains about them, so I mean, it's not a perfect result by any stretch, but there is also not really too much to go on as far as those safeguards you mentioned, the technical hygiene safeguards. I hope that helps. Thanks.

JONATHAN ZUCK: Stan was next, but Carlton, you had your hand up. I didn't know if it was related to Jordyn's comment.

[SPEAKER OFF MICROPHONE]

And it's been said, okay. So, Stan, go ahead.

STAN BESEN: Yeah. I think it's actually related to what Brian said before. If I was listening to the presentation, I would be asking, what is the process for monitoring compliance? How frequently there had been complaints? How were they have been resolved?

Are we, or should somebody be doing that piece of research as part of this? Brian says there are not that many complaints about some things, that's data. [Inaudible] our data, but yes [inaudible]… Some of this in the presentation should be asking, what's the follow-up for this? What

kind of things…?   What kind of information should be collected to understand compliance?

CARLTON SAMUELS: This is Carlton for the record. Just to follow up on Stan. And the stuff that goes on in the DNS abuse, and the data that you collect through the procedures that were implemented to maintain this. That's where the rubber hits the road. When you start looking at the data collecting and the process which you're collecting on that data, that's going to be something else.

STAN BESEN: And we may not have time to do that, but that's something that should be done as part of this process.

LAUREEN KAPIN: Waudo?

WAUDO SIGANGA: Thank you. Waudo again. I just would like to get clear about this high level question that's being asked here. As any gTLD program put mechanisms in place to improve trustworthiness of the DNS? I think that question is rightly different from whether we're asking if the mechanisms have actually worked.

So, there is another place of where you have answered the question of whether it worked.

LAUREEN KAPIN: Well, we can ask the question, but we don't have data to really answer that question at this point.

WAUDO SIGANGA: What about the Neilson survey?

LAUREEN KAPIN: The Neilson survey does not go to whether the mechanisms actually had an objective result.   The Neilson survey only measures people's perceptions. Do you feel? Do you perceive that the new gTLD…? Do you trust…?

WAUDO SIGANGA: That would be answering the question if you're talking about trust, because trust is somehow subjective.

LAUREEN KAPIN: It's subjective, and if you ask about whether people trust new gTLDs, as compared to legacy gTLDs, you will have information that tells you generally speaking, the public trusts new gTLDs about half as much as they trust legacy gTLDs. But that doesn't tell you anything about, objectively, what levels of abuse are going on, it just tells you how people, what people's perception is.

If you were actually going to seek an objective answer to the question, objective data, you would want to be engaging in studies that actually

try to compare the levels of abuse going on. There is some objective data contained in the Neilson surveys that goes to, well, what information would you provide…? What sensitive information would you feel comfortable providing to a new gTLD?

Even that is… And I shouldn't say objective, it's not objective, it is still subjective, but it gets to behavior rather than just feeling, what would you do? So, that gets us a little more along the road to what I would characterize as more useful information, because it gets us people's behavior as opposed to people's belief. But it's still very different, Waudo, from actual objective data about, to put it in your words, what works?

That, I think, you need the DNS abuse study or something else. And I want to cut to David, I want to cut the que because he may be able to amplify my statement.

DAVID TAYLOR: No, I totally agree with what you're saying. I was just going to point out that there is something that may be comes closer to an objective measure in the study, which is, have you been affected by any of the various types of bad behavior? We're talking directly related to DNS, but phishing, you know, spamming, that kind of stuff.

And have you taken actions to mitigate that? And what we saw is that there was, if any movement, it was downwards. People were feeling, less likely to take action. So, that would suggest that you're not seeing any increase in people taking action because they feel distrustful or worried about their internet life.

LAUREEN KAPIN: Except I mistrust the conclusion you draw, because… And this is totally anecdotal, it's just Laureen Kapin's opinion, but people do foolish things all of the time. It doesn't mean that they're actually not having their information made vulnerable. It doesn't mean their PI-5 is not being ripped off in some way or sold, it just means that they're not willing to do anything about it, because they want to get a discount, or they want to get free email, or something like that.

So, I am distrustful of the conclusion you draw. I certainly agree that there is that information in the survey, I just don't necessarily draw a conclusion that, oh, well people aren't taking, protecting themselves as much, so there must be less abuse. I don't make that leap necessarily.

DAVID TAYLOR: They're also not reporting being affected by that abuse. That doesn't mean that that abuse, to your point, that doesn't mean that abuse isn't actually on the rise. I can still continue to walk down the same street I do every day, even though there has been three muggings in the last week.

LAUREEN KAPIN: Yeah, fair enough.

DAVID TAYLOR: But, you know, I'm not, they're not altering their behavior, they're not saying they're being impacted, so from a consumer perspective, that's

behavioral data, that doesn't equate to whether or not, in fact, it's actually on the rise or not out there.

LAUREEN KAPIN: Yeah, but that's a good point about more behavioral data, so I take that point. Okay. So, who was next in the queue? Jordyn.

[SEPAKER OFF MICROPHONE]

Okay. So, Jordyn, Kaili, and did you have your hand up too, Carlton?

[SPEAKER OFF MICROPHONE]

Okay. Jordyn, Kaili…

[SPEAKER OFF MICROPHONE]

Jordyn, and then the three "K" sounds.

JORDYN BUCHANAN: All right, it's Jordyn Buchanan, and the queue has grown quite long, so I'll try to keep this brief. Just to build on what Laureen was saying, the other thing I noticed from the consumer survey, at least, is that the notion of trust seems to be overwhelming correlated with the notion of familiarity.

And actually, the reason why people trust these things is not whether they've heard of them before, not whether or not they're dangerous or not. And so, DNS abuse study seems much more likely to give us a sense of whether they deserved to be trusted, because really what I

take from the consumer survey is if we want to make these trusted, we just do a giant marketing campaign, and then everyone will know about, and therefore, they'll trust them.

LAUREEN KAPIN: I think that's right.

CARLOS RAUL GUTIERREZ: Yes, this is Carlos for the record. This is an area where I am starting to feel uncomfortable, that we're keeping both tracks separate because we have some data of new gTLDs that are giving away for freely, for one dollar 99, and we know that all are premiums and cost a few thousand dollars, or at least $100 and so on.

And my question is, can we keep it separate? Or are we going to get questions related to that, and how are we going to answer to the fact that some new gTLDs have been growing because they have been giving away? And what's the danger, that they are being misused to a higher degree than more expensive ones. Please, Drew.

DREW BAGLEY: This is Drew for the record. So, Brian will probably have to chime in, but when we designed the RFP for the DNS abuse study, that's exactly something we wanted to take into consideration, because there have long been studies that have shown a correlation between price and DNS abuse, although not on the, yet on the comprehensive level we want to look at it on.

So, perhaps Brian can chime in as to whether or not that is likely going to be analyzed by the vendor, and perhaps Brian, if you could also indicate the timeline to which whether that's going to be part of the historical analysis, or maybe just the six month snapshot analysis.

But I know that's something that we, Carlos is very, very important among all other variables that we have to look at.

UNKNOWN SPEAKER: Yeah, thanks.   So, [inaudible] there haven't been studies on pricing effects on abuse.   There is a few.   There is widespread anecdotal evidence, so much that it tends to be seen as a foregone conclusion that it does have an effect.   Right, exactly.   We did try to get a pricing study into the DNS abuse study.   There are a number of problems with obtaining the right kind of data.

And just in terms of the timeline for the study, it would have extended it even more than it already is, so and it would of have ended up being quite expensive as well.   So there wasn't much value in terms of doing it.   That being said, I think it's something we should still keep on our radar, our sort of to-do list for future studies.

What was…?   Did I answer…?   Was there any other question I was supposed to answer?

[SPEAKER OFF MICROPHONE]

CARLOS RAUL GUTIERREZ: Just the fact that it's overwhelming. I mean, if you look at the number of X, Y, Z according to the map that the UK people draw, I mean, there is a lot of… It's a very cheap one. So I just want to be sure that we have a good answer. Not just, we're collecting information, in two years we will report that. That's for me, not good enough for public comments.

Might be good enough for this group, but because we have gone through all of this discussion and so on, but that's one corner where I expect some tough questions coming.

UNKNOWN SPEAKER: And one interesting question on that, Carlos, would be, everyone runs promotions at some time, and everyone will have a very cheap domain. The question is, why would one TLD have more abuse than another when they're having the same promotion? What would explain the variation in that? Should we say that, at a penny a domain, there is going to be a standard pre-determined level of abuse?

Presumably not. Presumably there is going to be different levels. And the interesting question is, is what explains that difference, despite having the same sort of low or cheap price. So, to be determined, I suppose.

UNKNOWN SPEAKER: And yeah, to Carlos's point, if we're not going to get that from the DNS abuse study, past studies, I think this is probably what Carlos and I are both thinking of, for example, the ccTLD dot TK, and with others where you're talking about free domain names, there have definitely been

studies that show correlation between DNS abuse and price, when there is no price.

So that's something where we could at least build that into the paper by looking at these smaller studies, anecdotally talking about the fact that there is a perception and some data to show correlation between price and DNS abuse. And then that… And point out the fact that with all other factors that were analyzed, that could have also been something that played into this, even if we don't have the data to show that.

And then we could suggest that such a study should be carried out in the future, because at least, from our review team, we would finally have a base line study of DNS abuse, so that future review teams could look at the price correlation. Also future review teams would have a lot more data because by then, the new gTLDs would have been delegated for much longer than the smaller time period we're looking at.

Does that help Carlos?

CARLTON SAMUELS: This is Carlton for the record.   I just wanted to, well Jordyn said what I was going to, the principle thing, was that when they talk about trust, was related more to the familiarity. And that is a very shifting kind of ground on which to base trust.

The other thing is that, while we talk about abuse, DNS abuse, we need to remember one thing. The same mechanisms that are in place to use DNS effectively and honestly, are the exact same ones that are used by the abusers. And so, the measurement is the end result that is very

important, it's going to be important for us to count. And so, those counts, where they come from, are going to be very, very important to understand where they're coming from and who is counting what.

KAILI KAN: Thank you. Kaili Kan speaking. Yeah, I just want to continue on the previous few comments. That is we all know there is, over the last two years, there has been a very large scale [parking?], and supposedly, publish speculation, large scale speculation that exists, not only for new gTLDs, but including legacy ones. However, the new gTLD program certainly amplifies the problem.

So, I'm not sure about if it is that kind of scale, like over half of it, or even like two-thirds or three-quarters, that kind of a scale certainly [post?] market. And we certainly want a free market, no question about that. However, this older to achieve the health of the free market, are going, well, we need some kind of safeguards, or something that prevents [inaudible] if there is any, [inaudible] side effects of this large scale [parking].

And I think we have circulated some papers, that there is some, definitely for some [parked] domain names. There is, indeed, yeah. Quite a few kinds of abuse, like phishing, like [inaudible]… I don't know [inaudible], or whatever. So, I'm not sure whether [parking] and speculation related, if we call that domain name DNS abuse, whether it should be which sub-teams, my sub-team competition and consumer choice, has noticed that from the competition point of view.

However, from consumer protection point of view, well, should there be included somewhere in the other sub-team? Or what are the results? Yeah, that is one of my concerns. Thank you.

LAUREEN KAPIN: So I don't think we have data on the relationship between parked domains and the DNS abuse as we've defined it. That doesn't mean that it doesn't exist, but I can't include it in our narrative because we don't have, we don't have data on it.

KAILI KAN: Well, I think Jordyn has said that we are in the process, we have some initial data already. I think it was shown in Helsinki, right? Some initial data, and also we're collecting process [inaudible] more. I think if your sub-team thinks that is, needs some analysis, study in safeguarding, well, I think there is some data. But more, mostly from the competition point of view, but…

[SPEAKER OFF MICROPHONE]

LAUREEN KAPIN: …to where as you're describing it, Kaili, it seems to me, as I understand it, it's more of a competition issue, at this point as I understand it. I haven't seen data to indicate that it is something that relates to trust or DNS abuse. If I did see that data, I could include it in our narrative and findings, but since I don't see it, it's not appropriate for inclusion, at this point in time.

In the future, if it develops, absolutely it could be something.

KAILI KAN: I fully agree with that. The data we have collected, and the angle that we're trying to collect, is to show the scale of it, not from a consumer choice point of view. However, at that large scale, I would imagine that the consumer trust sub-team would want to pay attention and see, well, collect data from consumer choice point of view. That was just my thinking, and because right now, it's such a phenomenal scale that probably calls for some attention [inaudible] sub-team. Thank you.

Well, just a suggestion, I'm not your team, but you are.

UNKNOWN SPEAKER: Kaili, so, from our standpoint, the parking in of itself is not abuse, where the relevant part for abuse for us would be if we could somehow determine the time until a domain name went bad. So a domain name is registered, parked perhaps, and it sits there for months, and then all of a sudden it's used for phishing. And that could be relevant, but we would only be able to have any data on that if that came out of the DNS abuse study, where the analysis of zone files, coupled with WHOIS data, you know, then matched up against the threat data, showed a timeline.

But otherwise the parking in and of itself, for our purposes of consumer trust, would not be abuse or violating a policy. And so, I think it would best be served in the competition group, even though it's interesting, I just don't know what data we would have that we could draw from it.

KAILI KAN:	I agree with. Parking itself does not harm anybody. However, studies shown by the University of California, but those papers have shown that most of the parked domains had been used for some bad purposes, that do indeed, harm consumers' interest and also harm their trust. Because, like a paper click scheme, well even those parked domains are not being used, but they're like using misspelling or all of those stuff.

Those papers, I think, you know, our team, it was circulated because I got it from our staff, I suppose. But anyway, so my reply to what your point is, yes. Parking itself does not hurt anybody, except whoever invested in that. However, most of the parked data do not actually sit idle. They do [inaudible].

So, that caused some kind of attention. And also, if any of it just sits idle, okay, and then [inaudible] entire picture of our DNS industry, because that creates a lot of [inaudible], which is unwarranted, so that, to what extent that is harmful for both the DNS industry, and ICANN, okay?

I think we need to at least pay some attention and study that, just like there has been housing bubbles, there has been stock market bubbles, and first, well, we do want to exist on a free market economy, free markets, but that does not mean that we can just close our eyes and just ignore these bubbles or whatever. Parked domain names do bad things, most of them.

Secondly, [inaudible] the effect too, should be, could be better studied. Thank you.

UNKNOWN SPEAKER: So I was just going to say, Kaili, I think we are, to your second point, we are going to treat that… I think that does touch on the competition, that's market dynamics, so we will touch on that in the competition report, to the extent that we can tease out the difference between legacy and new gTLDs.

The initial data I've seen says, depends on how you measure it, basically. By some measures, parking rates are very similar between new gTLDs and legacy gTLDs, by other measures they're different. And so we will also have a discussion about what do we mean by parking [CROSSTALK]…

KAILI KAN: …add to you. Well, the info that I collected in China is in regards, China has been large scale speculation, [inaudible] in China, over 90% are parked or speculated, but however, the info I was provided is actually started from legacy ones, especially dot coms. And then, overflow into the new gTLD program.

LAUREEN KAPIN: So I'm just mindful of the time, and also mindful kind of getting sidetracked by competition issues, which we're going to have a discussion on. So I would like to kind of pivot back to the consumer protection issues, and also am mindful of wanting to move through these findings because the technical ones in the grand scheme of things are probably the less complicated ones to tackle than the ones coming up, which we, yeah, which we haven't discussed yet.

So, I want to move on. But…

[SPEAKER OFF MICROPHONE]

I'm sorry. Stan, you were at the end of the queue, and I almost skipped you. Please Stan, and then we'll move on.

STAN BESEN: One of the either advantages or disadvantages of being last in the queue is that things are said between the time you got in the queue and the time they got to you. So I'll brief in citing the study that Kaili did, and site one sentence from it, and [inaudible] a very general point, but I'll be brief.

The study that Kaili referenced, I'll read one sentence from the abstract. We find that only 15% domains in new gTLDs show characteristics consist with primary registrations, but the rest are promotional, speculative, or defensive in nature. And I think that's what he was referring to before. It doesn't quite say abuse, but it does say they're not primary.

Let me go back to the more general point I wanted to make. I hope Jonathan makes this point before Jordyn and Laureen make their presentations, and I hope we say this in our report. There are things that we would have liked to do had we had data and time. We can't do everything. Not enough time has passed for us to answer all of these questions definitively. I think our report should try to identify things that would have been nice to have done had we had the data.

These are for future committees. They involve data that ICANN might be thinking of collecting in the interim. But I think we would be remiss if we didn't make that overarching point in our report. When somebody, undoubtedly, someone is going to ask these same questions when we talk to the Board or the community as a whole, and I think it's fair enough to say, good question.

We couldn't answer it because we didn't have the data. We think ICANN should address that question in the future.

JONATHAN ZUCK: This is Jonathan. If I could follow on that. Your statement a while back about follow-up studies related to compliance, one of the things we found is that there isn't sufficient granularity of the complaints that are captured. And so those are some of the kind of recommendations we can make as well. There were questions to which there were no answer, because the data wasn't collected in [inaudible]…

So that would be part of our recommendations as well. I think a big part of our recommendations will be about data.

[SPEAKER OFF MICROPHONE]

That's right. Well, more research is needed, but also more collection and things like that, [inaudible] collection. I think that's going to be a big part of what we discuss, and counting on working with you, Stan, to word that.

LAUREEN KAPIN: Thank you. Those are both very good preliminary foundational remarks, which I absolutely agree with. So moving on, as a result of GAC advice, particularly the GAC advice issued in the Beijing communique, there are a number of safeguards that were ultimately implemented. And the buckets there really fall into three categories.

Safeguards is applicable to all new gTLDs. Safeguards applicable to specific gTLDs that raise some sort of consumer protection, or sensitivity, more contained strings in regulated markets. And then finally, the most sensitive category of all would be those strings that raise these same concerns, but are in highly regulated markets. So those are three buckets.

In terms of the safeguards applicable to all new gTLDs, there were very specific WHOIS provisions that were contained in the registry agreements.   Very specific specifications also in the registrar agreements. ICANN itself embarked on a study to measure the accuracy of certain WHOIS information. This is the accuracy reporting study, and they measured accuracy and syntax of WHOIS information. And there was also obligations to engage in security checks.

And, getting on the right page for myself. And also, there were general contract provisions regarding prohibiting abusive activity. These were also mandatory for the contracts, and also providing for consequences, including suspension of the domain name. And there were also procedures for making and handling complaints in an abuse point of contact.

And Brian, is that your point about the safeguard that you saw was missing from the technical safeguards?

BRIAN AITCHISON: Yeah, I think it's just missing, it just hadn't been added. We'd talked about it, but it didn't make it.

LAUREEN KAPIN: Right. Yeah, I think, well I know that I'm also highlighting that in the safeguards applicable to all new gTLDs, and maybe this is just a nomenclature point, because it seemed to immanent from the GAC advice also. I have it as one of the safeguards applicable to all new gTLDs.

[SPEAKER OFF MICROPHONE]

Well, the 2013 RA was applicable….

[SPEAKER OFF MICROPHONE]

Right, right, but that was the RAA that was in place for the new gTLDs, the 2013. Okay. So, I'm seeing hands. Jordyn.

JORDYN BUCHANAN: Yeah. It's Jordyn Buchanan. I just wanted to build on that point that Carlton was just making, in like the WHOIS verification call out here, that's in… As far as I know, there is nothing in the, I really hope there is nothing in the registry agreement, because we're not doing it if there is. Off the record.

But I know there are WHOIS application requirements in the RAA, the 2013 agreement. But the [inaudible] is a program is a little bit sort of indirect, right? Registrars were required to switch to the 2013 RAA in order to sell domains under the new gTLD program, but in theory, they could stage a selling of the legacy gTLDs and stay on the old agreement and not do WHOIS verification.

So the WHOIS verification was like a… The new gTLD is sort of a carrot in order to encourage registrars, in order to adopt an agreement that included this WHOIS verification requirements.

LAUREEN KAPIN: Right. And that's of course, correct. It's in the registrar agreement, not the WHOIS stuff is in the registrar agreement, not the registry agreement. Sorry, my lack of precision regarding [inaudible]. Okay. In terms of the safeguards applicable to new gTLDs that raise consumer protection concerns, there we have safeguards regarding compliance with applicable laws, including…

And there is a specific call out then for laws regarding privacy, data collection, consumer protection. And then there is also a requirement to implement reasonable and appropriate security measures for collection of sensitive health and financial information.

And then finally, we reach the category regarding new gTLDs, our most sensitive category, highly regulated market. There we have additional requirements to establish relationships with relevant regulatory bodies, to have registrants have a single point of contact for complaint reporting, and contact information for relevant regulatory bodies that

might want to report complaints. And then finally, a verification and validation of credentials, which has been implemented as requiring a representation that the registrant has the necessary credentials, and if there are complaints, to consult with appropriate authorities to determine the authenticity of the credentials, and a duty to update.

And again, these are things that are part of the contracts. I'm going to have… We're going to move on to issues relating to whether these safeguards have been implemented in a way that promotes effective enforcement, and that's the second part of this document.

So right now, these are just a description of the safeguards. And then, finally, we have this next category of voluntary public interest commitments. And this is something that we really haven't, although papers were circulated, our own sub-team really hasn't had a meaningful opportunity to really discuss this issue. To sort of briefly summarize this topic, the voluntary public interest commitments actually is a rather, has a rather complicated birth.

Originally, they were thought of as something for the application process for applicants to distinguish themselves by saying, these are the extra things, the extra protections we're going to have in our application. So it was thought of as a way to stand out. But then, the Beijing GAC advice came out with a lot of safeguards that I just described, and there was a shift in terms of the nature of these public interest commitments from being totally voluntary, to something that was mandatory.

And in fact, many of the GAC safeguards live now in the contracts, in specification 11, the public interest commitments, some of which are voluntary. Many of which are mandatory. So when people speak of public interest commitments, you always want to ask yourself, are you talking about mandatory public interest commitments or voluntary public interest commitments?

So that's sort of a very brief history of that, and the discussion paper that I circulated goes into it in a little more detail. And Drew's discussion paper gives some specific examples of voluntary public interest commitments that various registries have chosen to adopt. What we hope to do over the short term, before our final report, is actually reach out to registries that have adopted voluntary public interest commitments, and also ask them what their intent was in adopting them, and whether they think that intent has been met.

And then also speak with members of the relevant industry for those domains to get their perception of these voluntary public interest commitments and whether they've met those goals. That is still in the remains to be done category. So we do have a little bit of data on this point, just in terms of sheer numbers.

And we know that 71 out of 116 regulated gTLDs adopted voluntary public interest commitments, and 17 out of 29 highly regulated gTLDs adopted the voluntary public interest commitments. Did you want to add anything, Drew, about the voluntary public interest commitments?

DREW BAGLEY:	So, I'm analyzing for the… This is Drew for the record. For the public interest commitment, the voluntary public interest commitment. I'm trying to analyze things by the three buckets that Laureen described, where I'm trying to break down the data that ICANN staff has given me, which they've broken down by highly regulated, regulated, and then an analysis of the top 30 new gTLDs that had voluntary public interest commitments, so a top 30 by size.

And looking at that way, thus far, you see a lot of commonalities between if a registry operator ended up having, you know, running 10 gTLDs, they would often use the same voluntary public interest commitments for all of those and kind of scale them. And so I'm trying to determine what is… Because, you know, there is only so much, I guess, want to talk about as far as what would be relevant for our papers.

I'm trying to determine what's the most interest to talk about thus far, what seems to be the most interesting for some of the rights protection mechanisms, that were built into the public interest commitments for example, where they would be a commitment made by the registry operator to have a list of perhaps brand names, in some instances, and then to flag new registrations that seem to have the same name as something that appeared on that list, and other instances.

Whereas another thing I'm trying to take into account, to figure out how to discuss in our paper, are some of the commitments that were made under the voluntary public interest commitments sections, which Laureen described. There are multiple sections that these wind up, sounds like commitments that are actually just obligations, and so

they're being stated as voluntary public interest commitments. But that's obviously a much more subjective analysis, but I am trying to determine how [inaudible] for example, you'll see situations in which a registry operator makes a commitment to ensure that the WHOIS data is accurate, but they're already obligated to do that.

Or to say that they're going to build into their policy something that prohibits DNS abuse, and have an acceptable use policy, but they're already required to do that. So that's something where I'm trying to do, and analyze that in a way that is methodologically sound, to kind of point that out, so I can finally narrow down what's truly voluntary and what is of interest.

As Laureen said, perhaps distinguishing one registry operator from another.

LAUREEN KAPIN: Thank you Drew. And then we move to the topic that David has been focusing on. Stan, did you have a question? Yeah?

STAN BESEN: Actually, [inaudible] speak up at this point, because he's been interested in this question. It's the reverse causality question. The question is, does making a voluntary commitment enhance your attractiveness to would be registrants? And I don't know how we go about doing that, but that seems to me a very relevant question.

Why would you make a commitment, unless you thought it might benefit you in that regard?

UNKNOWN SPEAKER: We should consider in our sub-team, should we include it in price competition?

[SPEAKER OFF MICROPHONE]

STAN BESEN: Some of the data that is sort of the other side of the causation story.

UNKNOWN SPEAKER: Talk to Drew.

MEGAN RICHARDS: Excuse me, it's Megan. Did we not have something in the registrant survey, which indicated that the registrants thought that these picks were useful and made them more confident? Is that…?

LAUREEN KAPIN: There was information in the Nielson surveys, that the public expects restrictions, and that restrictions have a relationship between enhanced trust. And if I'm being imprecise, David, I'm going to trust you to jump in, but…

MEGAN RICHARDS: Let's clarify that exactly… [CROSSTALK]

LAUREEN KAPIN: In both, in both, in both surveys.

UNKNOWN SPEAKER: We tried the same dynamic which is, people have a perception that if there are restrictions, which are generally validations for a gTLD, that would improve their perception of its trustworthiness, whether or not they actually would check those or do any of that kind of stuff, but there is an assumed relationship there.

LAUREEN KAPIN: Right. So, your question, Megan, I think has an assumption that the voluntary public interest commitments and restrictions, you know, they're in the same, yeah. They're co-equal. And I think actually, probably, restrictions is going to be broader in most categories than this specific public interest voluntary public interest commitments, but conceptionally, I think that there are in the same group.

UNKNOWN SPEAKER: Yeah, but the broader point is, do they effect behavior on the part of registrants? And we don't know that. We can't answer that question. That's your question.

LAUREEN KAPIN: Jordyn?

JORDYN BUCHANAN: Yeah. It's Jordyn Buchanan. Unfortunately on the topic of restrictions, in particular, I think Dan's analysis shows that only one of the top 30 TLDs has any sort of registration [inaudible] which has a Nexus requirement in New York. And I think, in order to really get to the bottom of this question, as to whether in fact the behavior, either we need to get a much clearer signal out of the registrants, which is too late, we already did that.

Or we need to see, you know, given a choice between these two TLDs, registrants are asking for one or the other, and you know, I don't know quite how we would get to that. Maybe if there was a dot attorney and a dot lawyer, and one of them required, had a restriction and the other one didn't, you know, you might be able to see that one attracted more registrations, but in reality, probably the one that didn't have restrictions would get more registrations, because like, random people could register in it.

The question would be, which one got more attorneys to register in it? And that would require like a really deep dive into going and looking at probably like a sample of the registrations to see who is actually registered in them, and you know, what portion of the market they're actually attracting and so on. So it just seems like an incredibly hard question to actually get into.

DAVE DICKINSON: This is Dave Dickinson. Just a quick comment. You would also have to somehow control for the marketing effort for each of those.

LAUREEN KAPIN: It's actually maybe even more complicated, because in terms of the buckets that ICANN put related terms in, for example, we see that dot legal is in the regulated sector, dot attorney and dot lawyer are in the highly regulated sector. So, you know, it's… The short answer is, it's very complicated.

UNKNOWN SPEAKER: I'm sorry. Back in the day, when I supervised dissertations, it was never an acceptable answer on the part of the PhD candidate that what I asked them to do was too hard.

DAVE DICKINSON: This is Dave again. I don't know how many of those sorts of situations you've got. There would be the potential to not isolate. I'm not trying to pick two as counterpoints, but to analyze it across the entire body of those, because that would normalize some of the noise factors, and you could potentially start to see a trend. [Inaudible] the noise by having more data points.

LAUREEN KAPIN: Right. At some point, when we get to our recommendations, we can make recommendations about certain studies to be conducted. And I think that's perfectly appropriate. We're just not in that position now.

JORDYN BUCHANAN: This is Jordyn. Just to emphasize again, there are very few of the open gTLDs that have a significant registration restrictions. So there is not

even anything to study, right? Like, dot lawyer and dot attorney and dot legal, anyone can register in any of those TLDs. Now, they all have some validation, because they're in the highly sensitive, they have like a self-certification or something like that, but no one is doing upfront verification.

Like I said, [inaudible] there is a few, I think dot pharmacy actually have it, dot bank. You know, there is a very small number of these, but by definition, those are going to tend to look smaller, because their restricted to only, whatever the nexus that they're looking at, whereas, you know, someone has dot doctor, and is letting you get vacuum dot doctor, they're going to have a broader base that they're marketing to.

And therefore, if you're just looking at it from a competition perspective, it's going to look like they're more successful.

STAN BESEN: This is just a more general problem. Analogy is, we would like to have some legacy gTLDs that are not price capped so we can analyze their data, okay? But we don't have it, but we can comment on that in our report, and we should, actually we do. So let's try to keep in mind that… If something is important, we don't brush it off. We say it's important, and we explain why we can't do it, and we say why we think ICANN should pursue it in the future.

LAUREEN KAPIN: No, I agree with that. I agree with that. In terms of responses to questions, many times in responding about what we have, not about

what I would like us to have, but it's a perfectly fair point, and I think what we should be doing for our recommendations, which is to have a wish list about the things that we think are truly critical, for future review teams.

And regarding the issue that Jordyn just made about, okay, well, yes, we don't have this proactive screening at the front end, when I move on to the second part about whether the safeguards are implemented in a manner that promotes effective enforcement, that's exactly the point. When you have just an affirmative, yup, I've got all of the credentials I need. I'm a lawyer.

That's a very different safeguard which requires a proactive screening to say, okay, what's your bar number? Let me contact the Florida bar and make sure you're in good standing. These are two very different mechanisms, one of which is protective, one of which is far less protective. But David, I want you to get back to your topic, which is rights protection mechanisms.

And I'm hoping you're going to be able to fill in some high level findings here about rights protection mechanisms, and perhaps now orally you can take us through a short summary.

DAVID TAYLOR: Happy to. David Taylor for the record. So I sent around, we've got the four papers I was looking at, which I circulated. I think it's just the CCT safeguards team, I'm guessing. So those are looking at the four questions, tying into all of this. So as a new gTLD mechanism put in

place, the mechanisms for the trustworthiness, so we've got the RPMs in there. So that's probably a detailed description of them.

Then were they implemented in a manner that promotes effective enforcement. In essence, yes, by the registry agreements. So no big issue there. Have the new gTLD operators complied with the RPMs? Yes, essentially, although we do have some complaints through to ICANN, which was what we discussed in Vienna, I think it was. That we've got these complaints to ICANN, but we don't know what they are.

I don't know if we got any further on that, if what the substance of the complaints were. But there was some complaints with the UDRP or the URS going through, but as I said, you mention that now [inaudible]…

UNKNOWN SPEAKER: Sorry, I just responded to you on the list. We have a little bit of data on that, in the RPM report, we noted that a lot of the complaints, I have it in, were related to domains not being locked after a decision was made. And I think the specific numbers are there. So there is some more detail in that RPM review report, which I linked in my message back to you.

DAVID TAYLOR: Okay, thanks. I haven't looked at that yet. But I'm guessing, if there is a [locking?] question, that's a standard thing, that's more registrar problem than the registries. So that's what the new gTLD operators are not doing the [locks?] as normal, because it's not for them to do that. And so then, the biggest question we've got is the fourth paper, is the,

whether the new rights protection mechanisms helped mitigated certain risk with the expansion.

So that's what we're looking through. And my high level findings, this is because Laureen pestered me and said, we might need to have some high level plane. So, whilst I was on the plane out here, I found some high level findings in between sleep. I just might fall asleep before I get to them.

From the data we've got, it's obviously lacking at the moment, but if we're looking at the number of cases filed, UDRP, URSs, and we take 2012 as a baseline, we've got basically a drop in UDRP complaints. So we've got a 15% drop in 2013, and a 13% drop in 2014 and 2015. So we're certainly not seeing a vast increase in UDRP complaints. I think it looks like the 2016 is going to be quite a bit higher, so that trend is perhaps going to inverse itself slowly.

And then if we're looking at the URS, since it didn't exist, obviously, it has gone up. It can only go up from zero, so we're fairly certain about that. So we consider that there have been a massive increase in UDRP complaints. But there is a little over 200, which I think, in each year, is pretty low, much lower than most people expected.

So again, you can argue that both ways. It's working incredibly well because it has dissuaded all of these nasty people from doing anything bad, or it works so badly that no one wants to use it. So we can have some quite interesting conclusions, which I think is where we're hopefully going to get some of these from the INTA survey.

But if you take both of those into account and add them up, you've still got a lower number of complaints, compared to 2012, so about seven and a half percent lower. So, based on that data alone, which is very limited data, you know, we can't really conclude there has been a higher enforcement cost to brand owners, using these mechanisms, but obviously these mechanisms are the tip of the iceberg, and there is a lot of other costs around there on that side of things, the cease and desist, the cause action, the defensive, the watching, etc. the trademark clearing house, all of those extra costs are there, and that's something which the NTIA impact surveys, we're trying to get the answers from brand owners.

So that would be my high level, in flight, summary.

LAUREEN KAPIN: Sounds good. And I'm going to take questions. Could you actually get me something in writing also? Yeah? Okay. Go ahead, Jordyn.

JORDYN BUCHANAN: Thanks David. That's really interesting data. I would imagine, since you started to see a decrease in 2013, and we didn't start to see actual registrations in the new gTLDs until the very tail end of that, and they were just in a small number of IDNs, I would imagine… I guess I would be surprised if the new gTLDs were the cause of a decrease in EDRP complaints in 2013.

So, I guess, for me, the helpful thing would be to try to normalize this on a [inaudible] legacy versus new gTLDs, or something like that, or rates

per X registrations, or something like that, right? And to see, you know, did we see…? Do we see a differential in the number of complaints per the number of new registrations in the new gTLDs versus the legacy gTLDs, for example?

Because it seems like there is probably exogenous factors that are causing, or at least some of the decrease that you're attributing to. Now, it could be that there is things like the 2013 RAA happening, and that may include additional protections to make it less likely that trademark holders [inaudible] complain. As I've said before, at least, at the very least, we can attribute the new gTLD program to providing a carrot to encourage registrars to adopt those protections, but they're not sort of inherent to the program itself.

So it would be, I think, helpful to try to dig in a little bit more to understand the dynamics of what's going on here, and in particular, to look and see what the rates look like if in the new gTLDs in particular, and see if we see a differential there.

DAVID TAYLOR: Yes, I'm sure. And on that point, I've got some data from [Y-PO?], because as you know, I've met with them and chatted with them last month, and so we've got some data there which is comparing the split between the new gTLDs and the number of cases that they've looked at, compared to other ones. And that's certainly something to look at. And I think one of the other things that I was trying to look at was which were the big bad TLDs, should we say, the ones were we see the most complaints?

Because that, in theory, could be linked to the most abuse. And again, it would be interesting to see, you know, the percentages, and how that works out.

JORDYN BUCHANAN: And once again, I think trying to normalize that like normal of complaints per number of registrations would be really helpful, because obviously, might look and say, oh my God, these three have all of the complaints. And then you look and say, oh, they also have all of the registrations. So, of course, that would be expected, I would imagine.

DAVID TAYLOR: I think just to throw, when I did look at this originally, but I haven't got to the stage of conclusions, it was the IDNs, looked like the worst, because there were so few registrants, and there had been one complaint. So, yeah. It made X, Y, Z look like the good boys on the block.

LAUREEN KAPIN: Thanks David, and thanks for the questions and comments. Moving on to what I think is the meteor topic about whether the safeguards have been implemented in a manner that promotes effective enforcement, here the data sources really are the language of the safeguards themselves, as they've been implemented, either in the standard contracts, the registry agreements, the registrar agreements, etc., and the data we can glean from the information ICANN compliance makes available.

So again, hooking back to the WHOIS obligations in the registrar agreement, we see actually that WHOIS complaints are one of the biggest categories of complaints that ICANN compliance receives. And there is more granular data here in my discussion paper.

But these are tens of thousands of complaints each year. And this really touches on the whole issue of what WHOIS was, in part, designed to do, which is to mitigate DNS abuse by providing information about who is responsible for a domain so you know who to contact when there is abuse.

And that's only part of WHOIS. I know there are very technical reasons why you want to be able to contact domains that have nothing to do with DNS abuse, but in part, it does relate to DNS abuse. And in terms of the effectiveness of the implementation. Again, we have ICANN itself studying the accuracy of the WHOIS information from a syntax standpoint, and an operability standpoint, and in plain English, that is the information in the right form?

And does it actually work? What we see missing though, is the identity validation, i.e., is the person who is listed, is that the person who is actually responsible for this domain? And that accuracy identity validation point is something that there has not been a commitment to verifying, as of yet. And that's really where the rubber hits the road. So, that is a challenge to effective enforcement.

In terms of security checks. There is an obligation for registries to engage in this check, but there isn't an obligation contractually to notify the registrar, if you find the security threat, if the registry finds a

security threat, or specificity about how to respond to security threats. And in fact, that is something that is a current topic of community discussions for how to develop a framework for registry operators to conduct these security checks, and respond.

So this is something that we would want to recommend that future review teams keep an eye on to see what comes out of these discussions, to assess whether there is an actual obligation that has sufficient specificity to be effective. In terms of making and handling complaints, the implemented language does create a duty to investigate and respond to complaints from government agencies.

It doesn't mandate mechanisms to investigate and respond to complaints from members of the public, and there have been some concerns expressed about the contract language in terms of what constitutes reasonable steps to investigate and respond to complaints. And anecdotally, we hear a lot of concerns about, okay, I've made a complaint to compliance, and they have resolved the complaint, but I don't know what happened.

So there is a transparency issue that has been raised. And in terms of what, you know, when we look at how compliance categorizes complaints, at least in the publicly available information, it's not very clear what the subject matter of the complaints are. For example, we have a DNS abuse category, but we don't know what specific kind of abuse.

So there is the granularity issue that Jonathan has identified. In terms of safeguards applicable to new gTLDs that raise consumer protection

concerns, sensitive strings, or strings in regulated markets, as you may recall, here we have the safeguard about complying with specific laws, and particularly the safeguard about security measures to protect sensitive health and financial information.

So, that's a clear obligation, but it's difficult to figure out whether there are actually being complaints about this safeguard, again, because ICANN just doesn't report its complaints in this manner. So, that might be something we could make a recommendation on in terms of more clear information about what complaints are coming in.

And safeguards applicable to new gTLDs in highly regulated markets, now I'm going back to the issue which we've already raised, about verification and validation. We have a very different implementation between what was originally recommended and what was actually implemented, in terms of verification and validation, because we have a representation that is required, and anyone can make a representation.

So if you are a bad actor, you could just say, I have all of the credentials I need, and there isn't this sort of proactive screening. So that raises an effective enforcement issue. And one of the recommendations we could consider, is to perhaps see if there is some sort of audit can be done to figure out what type of procedures are actually in place to make sure that people have the right credentials, who are actually obtaining domains in this highly regulated category.

That might be something we can consider. There is also a safeguard to establish a relationship with a relevant regulatory body, and there, the specific language indicates it's aimed at mitigating abusive activity, but

when you look at the actual language of the safeguard, it just seems to require publicizing a point of contact and issuing an invitation, i.e., reach out to the FBI and invite them to establish a relationship.

So it's invitation, but there is nothing much more beyond that in the safeguard. So again, that would raise an effectiveness concern.

For voluntary public interest commitments, I've already outlined what we're hoping our approach is going to be to sort of match up what registry operators have chosen to commit to, and then checking with relevant industry representatives for those domains, to get their perspectives about whether that voluntary public interest commitments actually makes sense in the context of the industry.

David, you already spoke about what your awaiting for, in terms of data, but did you want to add anything in terms of the rights protection mechanisms and whether they're susceptible to effective enforcement?

DAVID TAYLOR: Not specifically, no.

LAUREEN KAPIN: Okay. And then, we are also awaiting for our data on DNS abuse. And what I have as a placeholder here is, in addition to the DNS abuse study, there is other data available out there, that actually Carlton, for one, has referenced in one of his discussion papers. There are other sources of sort of bad actors in the DNS space, spam house. For example, the anti-phishing working group, those are entities that do, make reports about levels of abuse that's available in certain domains, and that is

something we may want to reference in our findings as another source of data. Do you want to speak to that, Drew?

DREW BAGLEY: Yes, this is Drew for the record. So the study that we are commissioning, would be the first of its kind, as far as being a comprehensive DNS abuse study, but in the interim, what we can at least reference, my smaller scale studies conducted by the groups that Laureen suggested, APWG, spam house, IID, there are a few other groups, internet… I don't know.

Let me think about it? Internet… I'll have to look it up. Acronym city. But [inaudible] has presentations that [inaudible] usually tied to APWG commission studies, but I think that would, at least, paint a picture of certain things, and from that, we can get to Carlos's point too, from earlier, where we can at least point to some studies that are indicative of the relationship between price and DNS abuse, even though it would not, I don't know of any that would necessarily relate to the new gTLD specifically, but we'd at least be able to see that with regard to a ccTLD such as dot GK.

So from that, we can at least paint a picture of different trends of DNS abuse, and kind of describe the universe as background, so that would end with the data we would get from the comprehensive abuse study.

LAUREEN KAPIN: So, just to give a very high level summary, then, of safeguards in two sentences. What I would say is that, there are many protective

safeguards that have been implemented, in many cases, they are implemented in a way that can be effectively enforced. In certain cases, there is room for improvement to further clarify the language, or specify the obligations in a way that are more protective and more match, in many cases, the aim of mitigating DNS abuse.

But overall, there are measures in place that give us a far more protective state of play than there was before. Brian, you've looked like you wanted to say something.

BRIAN AITCHISON: It was just kind of back up what Drew was saying. I would just recommend drafting as much as you can, but with as much of a literature review as you can, surrounding DNS abuse. When the DNS abuse study results do come out, you can just sort of plug in results. I mean, you're going to see a lot of inferential type of analysis that should be fairly easy to plug in.

And the analysis, in effect, will already be done. There won't be analysis, so to speak, to do on our part. Technically speaking, at least. And there was a second point I wanted to make, but I can't remember it. But no, just agreeing with Drew's approach. Thanks.

LAUREEN KAPIN: Jordyn.

EN

JORDYN BUCHANAN: Thanks Laureen. Jumping back a fair ways in the last sort of chunk of discussion, just a caution, I think, a little bit to think about how we communicate about some of these topics. So two examples have stood out to me, where WHOIS and the security framework stuff.

So, on WHOIS, for example, I think it is correct to say that there aren't currently mechanisms in place that are designed to make registries verify the accuracy of the contact information listed in the WHOIS database. That's because there, you know, ICANN hasn't come to a conclusion about what the policies in that area should be like.

There has been an ongoing debate in the community for, essentially forever. For the entire time that ICANN has existed, with a push pull on the one hand, concerns about abuse and transparency, and on the other hand, concerns about, principally about privacy, and then cost to a certain degree as well.

And I guess I would say the way we have built the policy development process at ICANN, it does not particularly lend itself to finding compromises on these sorts of topics, and so in 17 years, we haven't managed to figure one out on WHOIS.

And I don't think we, as a CCT, should wade too deeply into that debate. I think we can stick that, you know, as a matter of fact, it is correct that registries don't do that, there isn't this sort of verification, but I don't think we should then sort of make normative statements about like, oh, you know, that's bad, or something like that, because I think, you know, there is [inaudible]…

There are reasons why it is like that, and it's because the community has not figured out how to balance those issues of privacy, for example, versus abuse. And you know, similarly on the discussion about the security framework, you made a statement that is, we don't know if the framework is prescriptive enough to be useful, and I would say, that's sort of putting the cart ahead of the horse.

We don't know if it needs to be prescriptive in order to be useful. We should be looking at, is the results, in terms of like, does it decrease the amount of abuse, regardless of whether or not it's… What we want to do is enable registries to be flexible. And I'll give you an example of this. There is one place where verification is required in WHOIS, and that's registrars have to either verify an email address or a phone number under the 2013 RAA.

But the [inaudible] further, it says that you have to specify the mechanism. If you're going to verify an email, you have to send an email to that address, and they have to click on the link, and that's how you do email verification. But, for example, Google domains, which is a service I'm familiar with, you have to be logged into your Google account in order to buy a domain from Google domains.

And that Google account is an email address, so we know with 100% certainty, exactly what email address is registering each name. But that's apparently doesn't count under the RAA, because we don't send an email and have them click on a link. Right? And so when the contract becomes really prescriptive, it also becomes brittle and doesn't allow the best…

So I would say, logging into your account is an even better way of verifying your email address than clicking on a link in an email, but that's not allowed because we've been overly prescriptive. And so I just think we want to be cautious about language, and focus on effects, as opposed to sort of whether, making an assumption about whether this is the way it ought to happen or not.

LAUREEN KAPIN: Yeah, I think that's fair enough. I'm to look at it through the lens of, can it be enforced effectively, you know, for the WHOIS, yes, we point to the issue of identity verification. I mean, the… You raise the privacy issues, but it's already required that they're supposed to be accurate information there. This is more a question of verifying whether the information that's there, actually relates to who is responsible for the website.

Or rather the domain. So, to me, that's more of a question of effective enforcement about seeing whether the requirement is actually being effectively enforced, not to wade into these policy issues, which I agree, are very much in play, especially with the next generation WHOIS and all of the policy work that's getting there.

I'm really trying to focus on, are the requirements that are existing, are they able to be enforced in a way that's effective? And right now, we don't have information, we don't have data, because there is no requirement, because the accuracy study doesn't go to the issue of assessing whether there is actually accurate information being given regarding the identity phase.

So, just a quick response to that. Did you want to say something? [Inaudible]. Okay. Then, we're finally moving to the last part, and I see I'm running out of time, but this is information which we'll actually probably, more familiar with than any other data, because it came through the earliest, and that is the subjective part about consumer and registrants impressions of trustworthiness of the DNS and new gTLDs in particular.

And here, you'll hear information that should sound familiar, and if the Neilson survey is any indication, you should trust it more, that in terms of consumers trusting new gTLDs, there is a huge relationship between familiarity and reputation. And familiarity often depends on visitation and the survey tells us that consumers visit gTLDs based on relevance of the gTLD to the information they seek.

When we drill down more in terms of the comparison of trust for new gTLDs to legacy gTLDs, the survey tells us that the levels of trust for legacy gTLDs are almost twice as high. That's an estimate, that we see percentages in the 90s for trustworthiness, for legacy gTLDs, compared to in the 40s for new gTLDs. And registrants also perceive new gTLDs as trustworthy, but not as trustworthy as legacy gTLDs.

And in terms of consumers' comfort level to provide sensitive information, here is our behavioral information, consumers' willingness to provide sensitive information is about half as much for certain new specified gTLDs, compared to legacy gTLDs. And here, the survey gave certain specified new gTLDs and asked, would you feel comfortable in providing this information, you know, to this domain?

And it was home address, financial information, healthcare information, and then compared it to a legacy gTLD like a dot com. And again, we find the comfort levels are far higher for the dot come then for the specified new gTLDs.   In terms of restrictions, we find that both registrants and consumers expect restrictions, and trust that they'll be enforced.

And security, and lack of familiarity, may lead the public to avoid certain new domains.   Certain domains in general, rather.   In terms of awareness, and this ties to familiarity, we see an increase in consumer awareness of new gTLDs over the two waves of the survey, 2015 to 16. In terms of registrants, though we see a small decrease.

And we've had some discussions about sort of the more puzzling aspects of this, but I'm not, I believe we also concluded that this decrease was so small as to not necessarily statistically significant.   But in terms of the broader picture, which is, has consumer trust in the DNS improved overall since the introduction of new gTLDs, we see that trust levels really remained pretty much the same over the time of the surveys.

So we can say that trust level improved, but we can say it doesn't appear to have decreased, which is a good thing. A lack of a negative is a good thing. So, that's sort of the big picture about trustworthiness. There is a trustworthiness of the new gTLDs, but not as much as the legacy gTLDs, and that's not a surprise because things are still early on.

And in terms of awareness again, there is a disparity between new gTLDs and legacy gTLDs, but again, that's not a surprise since we're still

early on.   But the big picture is that trust doesn't appear to have decreased, and certain things appear to increase the public's willingness to trust.   Restrictions on registration, familiarity, and I think the survey also cites to, awareness of security, security issues and security protocols, as being something that may drive trust.   Waudo.

WAUDO SIGANGA: Sorry.   Waudo for the record.   I just heard a little bit of inconsistency with that conclusion about trust.   First we say that there was more trust in the legacy TLDs than in the new TLDs, then we say with the introduction of new gTLDs, trust has not gone down.

So, it's a bit of inconsistent.   [Inaudible]

LAUREEN KAPIN: Well, what the two, there are two different issues.   One is a specific comparison, Waudo, between, in terms of the questions asked.   One is a specific comparison between legacy gTLDs and new gTLDs.   The latter question, is a general question about trust in the DNS industry, and specifically, it's compared to other industries, like internet service providers, internet marketing firms.

So, there are two different questions.   So, it doesn't surprise me that there is a different answer to that.   And Dave, maybe you can amplify.

DAVE DICKINSON: That's correct.   It was also that if we look at trust in a legacy gTLD, the specific trust in those gTLDs didn't decrease over the time that new

gTLDs were increased. So we weren't seeing any increase in those, but we didn't see any decrease either. So it didn't appear like there was any general erosion in either the trust level of the industry, or of those legacy gTLDs.

JONATHAN ZUCK: So my question is not for Laureen but for the group. Does everybody feel that they understand these and represent findings that you can defend when, in the hallways, the hallowed hallways of ICANN? That's the issue.

CARLOS RAUL GUTIERREZ: This is a very good question.

JONATHAN ZUCK: And who are you?

CARLOS RAUL GUTIERREZ: Carlos Gutierrez for the record. If I remember right, from the first time we started looking at Neilson surveys, we were talking about smaller part from the new gTLDs, if I remember right, when these surveys came out, the first time, the first survey. Not many new gTLDs, and as far as I remember, we were in the range of 400 to 600, if you ask me in the hallway.

What we are looking at here, when we refer to these numbers, is there a stage of about a third of the new gTLDs. And if I'm right, in my

memory, than I'm ready to defend it. The question is, of course, what's going to happen when everything is delegated and all the process that we have discussed in terms of which ones are going to survive, acquire, etc.

Just to answer your point. It would be very good that when we go to these numbers, we have a small introduction of the time, when we did this second Neilson review, and that's the size of the sample, or that's the universe of new gTLDs we are talking to.

JONATHAN ZUCK: Certainly valid point. When we release the final report, it will be a year after the survey, in terms of what anecdotal data will exist in the marketplace. So then, is everyone comfortable with the narrative in terms of how this is described and how we're flowing through this? That's the other big issue.

And then I guess, is the identification of data that we wish we had or studies that we ought to try and engage in, going forward, is that easily following from this? Or is it something we need to establish as a separate activity? [CROSSTALK]

LAUREEN KAPIN: We talk about it, but that, I think, is going to be a separate activity that in certain places in discussion papers, has been started, but has not been concluded, and I think still meets for the development. And I don't think it's something that we're actually going to be presenting at this meeting, for example.

We may be asking for input on it, but I don't think we're going to be presenting in terms of our narrative, we want this specific…

JONATHAN ZUCK: Sure, sure. And I guess this a general comment. This is Jonathan again. We will do ourselves a disservice if we think that the whole purpose of the next few days is to prepare for this meeting. The fact that there is an ICANN meeting is a coincidence. Right? To our schedule, moving forward, that's all. So I mean, I just meant, is a process in place now to identify those things, so as we get to making recommendations about additional studies or data that needs to be made available in the future, how are we getting them…?

Every one of these is going to have that same question, which is that part of our recommendations is going to be about additional data and research that needs to happen in the future, and how are we deriving that? So it's more of a process question.

LAUREEN KAPIN: Right, and the process that our folks have followed in their discussion papers, is to include recommendations, which in many cases, relate to what further studies, but I think that still can be amplified, and will be informed by discussions that are going on now.

JONATHAN ZUCK: Megan and then…

MEGAN RICHARDS: From what Laureen… This is Megan. From what Laureen has said, and what the others have said too, that you've already identified a vast majority of areas where more work needs to be done, and where it would be useful to have additional data. But then, it's just a question of refining, in more detail later, as we develop the draft and go into more detail.

So I think, from what I can see, I shouldn't give numbers, I was going to say it was 90% there. 85% there, and then we need to still refine a bit more, more specific details. But looks to me like a very good start.

JONATHAN ZUCK: I'm unaware of a list, of these are the data that needed to be collected, and these are the research projects that need to happen in the future. So, that's more where I'm getting at is getting this feeling that this is going on… Right.

CARLTON SAMUELS: Carlton for the record. There is… Let me put it on the table. There is still an open question as to whether parking speculation is domain abuse. Let me tell you why it's probably still open. There is a sense that when you park domains, you actually remove it from the pool for availability. And there is a nexus between parking and abuse being used, and the parked domains being used for abuse.

That is, phishing, and scamming, and all of those. And maybe, if we look at those things, from that perspective, it might be useful for us to gather some data to look at it as abuse.

LAUREEN KAPIN: What would be useful for me, because I know that you and Kaili have both referred to studies, it would be great for us to look at that together, so that I have, so that our team has the same foundation of this connection, because then that's something to build on.

CARLTON SAMUELS: Right. That was where I was going. They are academic studies that have looked at it, and there… I think we could probably just look at the academic studies, and maybe build on them, or find what they're looking at to see if it makes sense in the context of which to look at it. I just want to put that on the table.

JORDYN BUCHANAN: This is Jordyn Buchanan. So I think, I don't know where, I guess. Probably we have to adhere… We need to have a discussion about parking. I feel like it constantly is invading every other thing we try to talk about, and it's not, I think, very productive to try to have that conversation like 100 times on every other topic, instead we should have it one time.

For example, I don't think we even have a consensus or even have had a discussion about what parking means. If a domain is purchased but is not yet activated at all, so it's just a DNS error, is that parked? If a domain is purchased and redirects to another website, is that parked? So some different measures of parking will include one or the other of those, and sometimes not both, and so…

And I think whether or not… I think you'll have a very hard time arguing that redirecting from, you know, whatever, Google dot travel to Google dot com slash travel, would be abuse. But it may very well might be a form of parking, because that is a redirect.

So I think depending on which of those measurements you use, you might come to some sort of widely different answers about what both the competitive effects are, as well as whether or not there is potential abuse. So I think we need to have that discussion at some point. And I'll agree, at least, for our purposes, within the CCT what we mean by abuse, and it might actually that we need [inaudible] by parking, and it might actually mean that we need [inaudible]…

Just like we decided by consumers, we meant consumer end user and consumer registrar, we might need a taxonomy here as well to say by parking, we mean parking inactive versus parking [mono?] position versus parking redirect, or something like that, so we could have sort of more nuanced conversations about this.

But I certainly encourage us to have this as a standalone conversation somewhere, rather than trying to figure out all of the places it can possibly slot in. I agree that the parking topic deserves some coverage in our report. I'm not sure we need to say, oh, let's talk about parking here, and let's talk about parking here, let's talk about parking here.

Let's find somewhere and talk about it. I broke it out in the competition and consumer choice thing into its own topic, because it's just very hard to figure out how to interweave it other than just sort of talking about it

as a standalone phenomena, which I do think is instructive and educational, and will be an important part of the report.

CARLTON SAMUELS: I agree, because I'm going back to what you said, it's results that matter. And if you track back from results, it might help us to clarify for the taxonomy a place where we can all agree on. But when you look at the results, and you track back from results, then it becomes an issue that we need to tie down in this discussion, thanks.

UNKNOWN SPEAKER: Yes... I'm sorry.

MARGIE MILAM: This is Margie. I just wanted to bring back the conversation about the additional studies that you guys were talking about earlier, just to kind of put you, give you some background. In the budget cycle for the next fiscal year, we're already making requests for funding, for all of our different departments within ICANN.

So, the sooner that you guys can identify the kinds of issues that you think need a further study, the better, because it's being fed into the process right now as we develop our information for the next fiscal year that starts next July, but the process is beginning now.

CARLOS RAUL GUTERREZ: Yes, just a comment. This is Carlos. Just a comment. I took note, Jordyn, that you proposed that about one and a half hours ago, and I really support that we do it jointly, not separate in sub-groups. And I want to add to your already very interesting least dynamic of delegation, sunrise, etc., to the parking discussion. I look forward to that discussion.

DEJAN DJUKIC: Dejan for the record. I think that if we decide to mention in our reports parking domain names, and then connected to the abuse, I think that we should stick in that case, with the case where the registrant has a large number of domain names, and park all of the domain names. So, if there is only a few of the domain names registered or one, it's not something that we should consider as abuse.

[SPEAKER OFF MICROPHONE]

Just cases where a registrant has a large number, or cases where registrars register some… There is also [inaudible], yeah.

JONATHAN ZUCK: This is Jonathan. I think Jordyn's point is that it is also the competitive effect for parking in addition to the abuse [inaudible], so having this conversation about parking generally might be worth trying to get onto our plenary schedule while we're here. So, I will take that as a to-do to work with our, with staff to figure out where that might happen. Kaili, go ahead.

KAILI KAN: Thank you. Kaili Kan speaking. Just responding to Laureen's, I have forwarded through email to our entire team, the two papers, I believe, came from our staff, that was a few months ago, about the parked domains. Okay. And also, I fully agree with Jonathan's thinking, or whatever, so that it will be a plenary topic, because it matters both sub-teams.

And also, regarding about definition, well that certainly will take some time. At least, we currently have a rough idea about what it is, just like the United Nations, ever since the 1950s, has been trying to define what a human being, but so far, not yet.

But as long as we have a general idea, okay? We can still proceed with, well, with this topic. And I think [inaudible] is important issue, and also for this time, to let the findings be reported to the Board and to the general public, we mention some initial data that we have collected. And then, say maybe we say that, the impact and effects are further being studied.

And so that's to show both the Board and the public that this issue has caught our attention, and we're proceeding. That's good enough. Thank you.

JORDYN BUCHANAN: So, this is Jordyn Buchanan again. I'll just make that point that, I actually don't think we can have a useful conversation without a definition, because it changes the numbers a lot. So for example, in one of the papers you forward, Kaili, they make a distinction between parked domains and inactive domains. NTLD stats considers an active

domain to be part of their definition of parked domains. Inactive domains are over 25% of all domain registrations. But the huge number, we have to decide about whether, when we talk about parking, we are including that chunk of registrations in our definition or not.

JONATHAN ZUCK: Or at least one of the definitions, or some definitions, or something. Because I think on the competitive side, we would. Stan, go ahead.

STAN BESEN: I just wanted to observe that ever since Jordyn suggested we have this conversation somewhere else, we've had it here. Over and over. I actually have a different point. Laureen's presentation is quite detailed here, but you're only going to have like 15 minutes to talk to the Board, so I'm not sure exactly what you're going to say to them. Could you give us some flavor of that?

JONATHAN ZUCK: I don't even know the process by which we're talking to the Board, because that's a shorter presentation and engagement session. So, we haven't even discussed that yet.

LAUREEN KAPIN: And actually, that's something…

JONATHAN ZUCK: What are your greatest hits, Laureen? I think that…

STAN BESEN: Yeah, actually, exactly. It would be helpful to sort of come up with… I think the bumper sticker, if you like. And I don't have a feeling from listening to this exactly what those are.

LAUREEN KAPIN: Yeah. And actually, what has been a challenge for me going through this process is that, each time I've attempted to become more high level, I feel that the precision and accuracy is hampered. For example, one of the things I misspoke on was the WHOIS being part of the registry agreement. Well, in my longer paper, all of that is accurately stated and specified in all my, you know, detailed notes, but in percolating it up to a higher level, that sort of, that detail disappears.

So frankly, I am struggling with what the greatest hits would be. If you were going to ask me now, what are the greatest hits? The greatest hits would be that there are numerous safeguards, both technical and as a result of the GAC Beijing advice that had been implemented into the standard contract agreements, both the standard registry, registrar, and further downstream agreements between registrars and registrants, that have contributed to the trustworthiness of the new gTLD program.

And have assisted in helping mitigate risks that were perceived in the expansion of the gTLD program. They are capable of being enforced, and we know this because ICANN compliance receives complaints regarding the topics that many of these safeguards are related to. There is also room for further improvement in the way some of the safeguards can be enforced, because either a lack of precise contract

language, or some other challenge to the safeguard actually being enforced with an eye towards the goal of preventing, for example, DNS abuse.

In terms of trustworthiness, we find that consumers and registrants do trust new gTLDs, but not as much as legacy gTLDs, that the public isn't as aware as new gTLDs as much as legacy gTLDs, and the surveys tell us that this lack of awareness and familiarity is an obstacle to trust. Things that promote trust, we know from the surveys, tend to be restrictions on registrations, and that there is a concern about security measures, but that overall, in terms of big picture, there has not been a decrease in trust in the DNS overall.

So that would be my sort of biggest hits. In a much shorter presentation than you all had to listen to.

JONATHAN ZUCK: This is Jonathan. Thank you Laureen. That's a good start on the presentation, for sure. And I think [inaudible] end up coming back to us with specific questions that aren't part of our greatest hits that will then we'll be able to try and answer, I'm sure.

Lunch is apparently ready for us outside, so let's break for lunch. Calvin, go have breakfast, whatever meal is appropriate where you are. And we will reconvene in an hour.

In 45 minutes, sorry, we will reconvene in 45 minutes.

EN

UNKNOWN SPEAKER:	We will be shutting the Adobe Connect room during that time to be able to recycle. And we will start back up at 1:15.

JONATHAN ZUCK:	The Adobe Connect gets tired.

[END OF TRANSCRIPTION]