Consumer Trust Meeting

TRANSCRIPTION

Tuesday 05 June 2012 at 19:00 UTC

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On page :
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Participants on the Call:
Cheryl Langdon-Orr - ALAC
Steve DelBianco - CBUC
Olivier Crepin Leblond - ALAC
Jonathan Zuck - IPC
Rosemary Sinclair - NCSG / WG Chair
Tobias Mahler - Individual
John Berard- CBUC / GNSO Liaison (via AC only)

ICANN Staff:
Berry Cobb
Julie Hedlund
Gisella Gruber

Apology:
Jonathan Robinson
Michael Graham - IPC
Wendy Seltzer (standing apology due to conflict)

Coordinator: Excuse me. I'd like to remind all participants this conference is being

                 recorded. If you have any objections you may disconnect at this time. You

                 may begin.

Gisella Gruber: Thank you, (Kelly). Good morning, good afternoon, good evening to

                 everyone. On today's Consumer Metrics call on Tuesday the 5th of June we

                 have Cheryl Langdon-Orr, Steve DelBianco, Olivier Crépin-LeBlond,

Rosemary Sinclair, Tobias Mahler. From staff we have Berry Cobb, Julie Hedlund and myself, Gisella-Gruber. Apologies noted today from Jonathan Robinson and Michael Graham.

And if I could also please remind everyone to state their names when speaking for transcript purposes. Thank you, over to you Berry and Rosemary.

Rosemary Sinclair: Thanks, Gisella. Pardon me. If we just look at our agenda the first thing we are going to do is review the open action items. Would you mind taking us through those, Berry - or introducing them in any case?

Berry Cobb: Yes, Rosemary. This is Berry. The first one, again, is just to update the public comment survey form and send that out. That'll keep - that'll be a reoccurring action item until we've traversed all of the comments.

The second one is to create a draft of the PowerPoint that we'll use for the Prague sessions with the GNSO and possibly the GAC. I still have that action outstanding. I've got the draft started and I should have that out to the list here in a couple of days.

I've kind of been holding back on completing it because it seems that several of our definitions and some of the content may change quite a bit between now and then so at any rate I'll have the first draft out later this week.

Rosemary Sinclair: Okay.

Berry Cobb: The only other thing I'd like to bring up is with respect to our schedule. Of course today is the 5th of June and we're continuing on with the public comments. Looking at the comment tool we have a lot to go through. And I'm not so confident that we'll be able to complete all of the comments even by our 12-June meeting so maybe towards the end of the call we can strategize about what our next few sessions may look like.

That's all I have. Thank you.

Rosemary Sinclair: Okay thanks, Berry. So I guess that was a timely reminder to all of us to keep the pace moving as quickly as we can. So that then takes us to Item Number 3. And I'm wondering in view of what Berry just said whether we might hold that item. I'll make absolutely sure we've got 10 minutes at the call to have a look at that comment from Wendy. But I think it might be best for us to dive right into the continuation of the public comment review.

So unless I hear a quick growl that's what I'll do. And in that case I wonder if Tobias could take us through his redline, which we're looking at. I think that incorporates Cheryl's draft changes but if not then I'm sure we'll hear from Cheryl about that.

So Tobias, would you mind just taking us through your suggested amendments?

Tobias Mahler: Yes, thank you. What I did basically was - this is Tobias for the record - that I've had a look at all the elements that we included in the rather lengthy definition and my idea was to basically just structure this a bit according to criteria that are often used in the literature about trust. And that is we usually have a trustor, someone who trusts, and the trustee, someone who is trusted. And then some context or issues that are relevant for the trust.

So basically this is not in the document we are seeing right now. But I basically created - yes, here is the table where I sorted these out. And I tried to find one general criterion under which we could subsume all the others. And my idea was to basically say that the trustors are all the same in all the parts. And then we have different kinds of trustees.

And so basically we can just make the trustees at the beginning and then detail them afterwards and find one - the most general aspect and include that as a general feature of trust. So if we could go to the proposed definition.

Let me see. Yes, my idea was to say that if we start by saying that consumer trust is defined as the confidence registers and users have in the Domain Name System. And then we can explain that in three different points.

The first is about the consistency of the named resolution. That's more technically within what is usually listed as the Domain Name System. The second is the confidence that a TLD registry operator is fulfilling its purpose - their proposed purpose and is complying with ICANN policies and applicable laws. So here we have the aspect of the trustee being the registry operator.

And then we have a third point which is just an effort to curtail (unintelligible) to abuse and that is basically whole cloth of different trustees and all of these are basically not explained in the definition but then explained in the third point of Note 1 you can see below on the screen.

So my claim would be that all the elements that were in the other definitions are there I just trying to sort them a bit more into categories so it's easier to read them. Thank you.

Rosemary Sinclair: Thanks, Tobias. Is there any reaction or comment on Tobias's suggested way forward on this? Steve?

Steve DelBianco: Thanks. Tobias, is a vast improvement as we watched this language evolve and I appreciate the perspective you brought of trustors and trustees. With respect to only the third, little I, 3, I went back and reread the US government comments. I went and looked - I looked at again who is the entity that we want to place the trust in. And I believe that the way you have Number 3 fails to identify an entity when it otherwise could.

So if you look in the chat I'm going to suggest a new Number 3 that it be confidence in ICANN's compliance function as opposed to trust in efforts to curtail susceptibility to abuse. So again what I'm looking to do is to hang it on ICANN, who is in charge of compliance.

And it does pick up on little I 2 because there we're suggesting that complying with ICANN policies is important. We have to have confidence that they're complying. And part of that is trust or confidence in ICANN's compliance function. And I'd be interested to see whether we're getting at the right entity there; ICANN as opposed to the generic entity of the DNS at large. Thanks.

Rosemary Sinclair: Thanks, Steve. Any other comments? Tobias, do you want to give us a view on that suggestion?

Tobias Mahler: I would be fine with that. And basically we still have the longer version below in the third remark to Note 1. So it's - I would say Steve's suggestion is even clearer.

Rosemary Sinclair: Yes. Thanks, Tobias. Yes, Rosemary here. I also thought that was a very useful clarification on some excellent work. I actually wondered whether it would be useful to put the trustor/trustee diagram...

Cheryl Langdon-Orr: Absolutely.

Rosemary Sinclair: ...in the back of our work because I found it incredibly helpful in clarifying my thinking.

Cheryl Langdon-Orr: Yes. Rosemary, Cheryl here. You took the words right out of my mouth. I'm delighted with the change and particularly with Steve's additional intervention there with the triple I - little triple Is. But I certainly was going to suggest that we, yes, we put that table in because it's - it also links us to, in inverted commas, the literature and I think that's important.

Rosemary Sinclair: Yes, yes that's good. Just in the chat we've got a discussion going on about Internet users rather than just users.

Cheryl Langdon-Orr: Yes, I would feel more comfortable did we - Cheryl here for the record - if we did incorporate that. But I am aware that the original text on the overall definition still has it. But if we can do a global replace and move users into Internet users I think that would make certainly some of the people in my part of the community much happier as opposed to...

Olivier Crépin-LeBlond: Seconded.

((Crosstalk))

Olivier Crépin-LeBlond: Seconded. It's Olivier. Sorry I jumped in but I haven't got...

Cheryl Langdon-Orr: Oh.

Olivier Crépin-LeBlond: ...any hand in the room so, yes...

((Crosstalk))

Olivier Crépin-LeBlond: ...Olivier here. Fine with that.

((Crosstalk))

Cheryl Langdon-Orr: ...today.

Rosemary Sinclair: Correct. So we'll take that suggestion out of the chat room and adopt it. And, Olivier, if you can please jumping in, since you haven't got a chat, then we'll clear the way for you whenever you do that.

Olivier Crépin-LeBlond: Thank you, Rosemary.

Rosemary Sinclair: Now - okay so I think we're okay on that point which was a great, great piece of work by Tobias. Thank you so much and everybody else. So I think, Berry, that means we can go back to our tool.

Berry Cobb: All right, yes. Just give me one second. So just to clarify so little I 3 is supposed to read, "Confidence in ICANN's compliance function to curtail susceptibility to abuse."

Rosemary Sinclair: Rosemary here. I think it was just confidence in ICANN's compliance function but maybe Steve could just clarify for all of us.

Steve DelBianco: Yes, that's right.

Rosemary Sinclair: Are you okay with that now, Berry?

Berry Cobb: Yes, just...

Rosemary Sinclair: Whenever you're ready.

Berry Cobb: ...making sure to document all this. Okay. All right now I've got the tool - comment tool being shared. And before we get to where we left off last week there was one other action which is for Michael Graham. And he was going to consolidate the UDRP and URS metrics together with one as well as the relative incidence of litigation.

As you know Michael is not able to attend the call today but he did state in his note that he will send out the draft as soon as he gets it which should be sometime this week - about this week. I'm not talking today.

So with that in mind we're (middle)-way down. Back to the USG comments and specifically this was with respect to the consumer trust metrics. And where we left off was we wanted to discuss each of the individual metrics that

were proposed by the US government which are here. And once we complete this one then we'll have completed consumer trust.

Rosemary Sinclair: Rosemary here. Steve, I was wondering if it might be the quickest way if you could give us a view on whether these dot points are in fact covered in the range of measures that we've proposed.

Steve DelBianco: That might take a good deal of time to go through them...

((Crosstalk))

Rosemary Sinclair: Well perhaps another thought then?

Steve DelBianco: I agree and I'm fully prepared to do that. I do...

Rosemary Sinclair: Yes.

Steve DelBianco: I do think though that they stimulate lots of discussion. There are a handful of them that we know we have in there. And if it would be more constructive I could respond to the question you just posed offline; the way that Cheryl and Tobias and Michael did with respect to the definitions just in an effort to try to move us ahead to some other questions.

Rosemary Sinclair: I think that's a good idea. And again unless I hear a growl then we'll adopt that very thankfully, Steve. Okay so we've got a green tick from Tobias so that's a quorum; we're on.

Steve DelBianco: So Item 25 in the table, my assignment is to specifically address all of those bullets and indicate where we have tracked them or some other reaction to them, okay?

Rosemary Sinclair: Great, Steve, thank you.

Cheryl Langdon-Orr: Cheryl here. That's fantastic because in my reading of it, you know, some of them we certainly have picked up but I think that sort of language tweak it could be more obvious what we intend versus how someone has read it I think is more the issue in some cases.

Berry Cobb: And...

Steve DelBianco: Yes, one final point on that is that some of the items that the USG in particular has asked about - or items that simply get surveyed - surveyed - and when they're surveyed we didn't feel compelled to delineate every single question that the survey designers would put into the survey.

((Crosstalk))

Steve DelBianco: And we didn't feel it was necessary to put three-year targets for each and every survey question. What we said about the survey is that things should be better than they were pre-gTLD and they should be improving over time. And that is meant to imply that the overall survey rating is better over time. We didn't have any illusions that each and every survey question would show, you know, a lock step march of improvement over time. Some of these are in existing metrics; some of them are in survey questions.

Rosemary Sinclair: Yes.

Steve DelBianco: So is it okay with everyone if that's the way I pursue the analysis?

Cheryl Langdon-Orr: Steve, Cheryl here. Absolutely but I think what we might need to do is also make that bleedingly clear.

Steve DelBianco: Will do.

Cheryl Langdon-Orr: Coming back to the - we are not the review team line.

Steve DelBianco: Yes.

Rosemary Sinclair: Okay so are you right with that, Berry?

Berry Cobb: Yes, good to go.

Rosemary Sinclair: Okay.

Berry Cobb: All right we'll kick off consumer choice definitions. The first comment is from INTA. And I'll quickly read through their comment. "Definition of consumer choice. We believe the definition of consumer choice should be expanded. Consumer is defined in the advice as the actual or potential Internet users and registrants."

"We understand this to mean not only parties which register or may register domain names or users of the new gTLD program but the entire ranger of users of the Internet itself. This includes companies, consumers, children and others. However the proposed definition of consumer choice appears not to relate to the experiences of or choice enjoyed by users."

"The advice defines consumer choice as the range of options available to registrants and users of domains, scripts and language and for TLDs that offer choices as to the proposed purpose and integrity of their domain name registrant."

"Contrary to the definition of consumer then this definition does not relate to the experience of or choices of users in the scope of domain names but only to the availability of domain names to potential registrants and the integrity of registries to their contracted-for purposes."

"We do not believe that it is enough to consider whether the new gTLDs give users a greater choice of domains and the sites with the domains to turn on. In order to determine whether the expected expansion of the number of new

gTLDs provides meaningful choice we believe metrics should be considered that measure the positive and negative aspects of presenting users with a broader selection, their ability to determine trustworthy domains as opposed to others and the ability to find sites and resources they are seeking."

"This would inevitably include a consideration of the ability of search engines to find and link consumers to the sites and resources for which they are searching. From a trademark standpoint we believe the search engine analysis should include an analysis of the accuracy of search engine results both before and after new gTLDs are introduced along with the analysis's ability of search engines to discriminate between sites which meets the proposed purpose for which they were established as opposed to those that do not."

"Another possible area of inquiry might be whether the new gTLDs provide a greater range of sites, registrants and resources than existed prior to the program."

Steve DelBianco: If I can make a suggestion let's focus just on the definitions before we dive...

((Crosstalk))

Steve DelBianco: ...of what measures there are.

Rosemary Sinclair: Okay. And I think that's a good idea because I'm just having trouble getting my mind into gear about this point. So perhaps if - could you have a stab at it, Steve?

Steve DelBianco: I do. I believe - and I really appreciate how much time INTA put into all this stuff. But it strikes me that we simply repeated the words 'registrants' and 'users' when in fact if we had said the word 'consumers' I believe INTA would be satisfied that our definition of consumers was both actual and potential so it would have covered everything.

So us deciding to import the words 'registrants' and 'users' without the phrase 'actual and potential' might have been what created the problem because INTA might be perceiving that we were carving out from the choice population we were carving out the notion of potential.

So there's two ways to go as I indicated in the chat we could change the word...

Rosemary Sinclair: Yes.

Steve DelBianco: ...'registrants' and 'users' to 'consumers' putting it maybe even in upper case so they know it's a defined term. And the other is to put the more fulsome definition of consumer and jam it into the definition. But either way I believe that gets us through the first long paragraph of their definition. Thanks.

Rosemary Sinclair: Okay. I see so in the definition expand to actual and potential registrants and users.

Steve DelBianco: Or turn it back to simply the word 'consumers' as a defined term in upper case.

Rosemary Sinclair: If we were going to do it that way, Steve, then we should do that in consumer trust as well because we've got registrants and users in consumer trust.

Steve DelBianco: I could not agree more. I believe that when you have a defined term you make it easier for people to use the defined term and to use an upper case - a proper case to define it as a defined term.

Rosemary Sinclair: Yes. Are there any other thoughts on that from anybody? If not...

Tobias Mahler: This is Tobias. I would be fine with that. I've suggested it before and there is this issue with the term 'consumer.' But I also think that once you've defined it this way there shouldn't be a problem in using it in the way we've defined it. Thanks.

Rosemary Sinclair: Okay, thanks Tobias. Well let's adopt that suggested approach by Steve. So then, Steve, do you think that addresses most of the other concerns that...

Steve DelBianco: Yes, let's take a look at that. Berry, you read it carefully. The first block paragraph from INTA...

Rosemary Sinclair: Yes.

Steve DelBianco: ...is that entire concern addressed by returning to the more expansive concept of consumer as opposed to just registrants and users?

Berry Cobb: This is Berry. Personally I can say yes but I can't speak for INTA in this regard.

Rosemary Sinclair: Well perhaps we...

Steve DelBianco: Certainly gets us through the end of the word 'purposes' which is the middle of the big long paragraph.

Rosemary Sinclair: Yes.

Steve DelBianco: And if they're all good with that then we would turn to the rest of their paragraph which could get to questions about metrics. However we ought to jump down to look at others who've made suggestions for the definition in 27. And I don't know whether any of the others, including the USG, have definitional suggestions.

Let's get all those out of the way before we deep dive into the specific line items under consumer choice.

Rosemary Sinclair: And that's a good approach. We'll - can the tool do that, Berry, or do we have to scroll through the - all the comments serially in this section?

Berry Cobb: We'll just scroll serially. So I'll go ahead and move onto 27 and then we can come back to the last paragraph from INTA in 26.

Rosemary Sinclair: Okay, yes.

Berry Cobb: Okay this is from INTA as well. "Consumer choice is defined for registrants and users as the range of options available for registrants and users as the range of options available for registrants and users of domain scripts and languages for TLDs and users as the range of options users to access and use Websites and resources in both legacy and new TLDs that offer choices as to the proposed purpose and integrity of their domain name registrants."

And the blue underline is supposed to signify that that's what their proposed change was which kind of seems counter to us using consumer. And...

Rosemary Sinclair: Rosemary here. Well let's assume that we've covered registrants and users with our earlier discussion and go to the second point which I think is the point that Evan Leibovitch raised some time ago and for users as the range of options for users to access and use Websites and resources.

So is that not the discussion that Evan took us to of QR codes and mobile apps and all sorts of other things? Which...

Cheryl Langdon-Orr: Olivier...

Rosemary Sinclair: ...was covered in our letter I think. Olivier and then Steve.

Olivier Crépin-LeBlond: I'm sorry, I didn't put my hand up.

Rosemary Sinclair: Oh no you've got your hand up. Okay no problem. Steve.

Steve DelBianco: Yes, let me answer your question first, Rosemary. I do not believe that INTA was addressing Evan Leibovitch's concern about non URL use of the Internet. I do not think that's...

((Crosstalk))

Steve DelBianco: ...clarify that - you know what I mean, Cheryl? And I think we need to clarify...

Cheryl Langdon-Orr: Oh I do. That's why I was chiming in to Olivier because trying to into the entrails of Evan's mind on this is pretty complicated. And Evan is - has exposed his view in a whole lot of other fora and I thought Olivier might be more across that than I am, that's all. But, yes, I agree.

Steve DelBianco: And I think we were very - let's say respectful of Evan's view. But what all of us agreed to on the working group was to stay within scope.

Rosemary Sinclair: Yes, yes.

Steve DelBianco: The affirmation and the resolution had to do with the new gTLD program; that's what we're measuring here, the new gTLD program. And the gTLD program is about TLDs which are domain names and domain names are registered and they're resolved and that is all that ICANN has purview over, registrations and resolution.

If the way people get at something is a QR code is still does a resolution somewhere along the line of scanning a QR code...

((Crosstalk))

Steve DelBianco: ...and bringing up a page. If there is corruption...

Cheryl Langdon-Orr: Yes.

Steve DelBianco: ...or abuse in getting from a QR code to a domain name that is not within ICANN's purview. So Evan is right, there is are other ways people get to Websites but it is not something that we are charged with measuring and evaluating.

((Crosstalk))

Steve DelBianco: So having said that I would have the same reaction to what Michael put here when he chooses to expand I think in the blue underline text. It strikes me that both legacy and new TLDs is the key; that's the key part of his underlined blue, both legacy and new.

That also has the risk of expanding scope beyond what we are charged with because if the new gTLD program fails to create choices for people it will be judged on its own. And we wouldn't be judging the...

Rosemary Sinclair: Yes.

Steve DelBianco: ...legacy TLDs as part of a program, as part of a review charged with looking at the expansion of TLDs. I don't know why we would do that. I feel like our original definition, returning to the word 'consumer' instead of the words...

Rosemary Sinclair: Yes.

Steve DelBianco: ...'registrants' and 'users' probably get us there because he uses the words 'access and use Websites.' Well the access I guess is a user and the usable Website is both the user and a registrant.

Rosemary Sinclair: Yes.

Steve DelBianco: And that's why ours is so much better is that we just simply say choices as to the proposed purpose and integrity of the domain name registrant. So I don't feel compelled to accept the INTA blue line there.

Rosemary Sinclair: Okay.

Steve DelBianco: What's the rest of you think?

Rosemary Sinclair: Okay, Tobias.

Tobias Mahler: Yes, thank you. This is Tobias. I'm not sure what INTA is proposing here but it looks like they are distinguishing between two groups. The first group is registrants users and there they accept the first part of our definition. And then they add users which seems to be only Internet users. But I'm not really sure why that should be beneficial so I'm not really convinced that this really helps us here. Thank you.

Rosemary Sinclair: Thanks, Tobias. Olivier.

Olivier Crépin-LeBlond: Thank you, Rosemary. It's Olivier for the transcript. I just wanted to convey part of what Evan was saying. And Steve said it very clearly however there is one thing though. The domain names and the DNS are only there to basically provide a more easily understandable - more easily understandable label, if you want, rather than just an IP address.

QR codes can resolve directly to an IP address rather than resolving to a domain name in which case the DNS itself is totally out of the picture. And I think that Evan was trying to emphasize this that QR codes could be a replacement of a domain name and will not use the DNS at all because at that point you're dealing with IP numbers and IP numbers are actual routing which has nothing to do with the DNS and so it's totally outside of ICANN's scope.

The routing of packets around the network are not within ICANN's scope. That said the response...

Rosemary Sinclair: Sure.

Olivier Crépin-LeBlond: ...which the group provided and which was that what Evan is mentioning is outside the working group's scope is one which I agree with. Thank you.

Cheryl Langdon-Orr: Cheryl here, Rosemary.

Rosemary Sinclair: Yes, Cheryl.

Cheryl Langdon-Orr: I couldn't agree with Oliver more. But particularly what Steve said I just wanted to make really sure that we don't labor under the error for the record that QR codes only use the IP address. Of course QR codes being sophisticated little things which I'm actually quite passionate about otherwise my business card wouldn't be one and my new set of jewelry wouldn't be being cast in the form of them.

They actually can also resolve to individual pages and subsets so it can in fact, in the more sophisticated use at least in the QR code, lurk back into the wonderful world of DNS. It's...

((Crosstalk))

Cheryl Langdon-Orr: All the arguments are philosophical and probably reasonable on either side but it is out of scope.

Rosemary Sinclair: Okay. So bringing all this to a conclusion, Olivier.

Olivier Crépin-LeBlond: Thank you, Rosemary. Just wanted to then touch on what INTA has been writing with regards to search engines, etcetera. I, again, think that we're dealing with something which is not converging; it seems to be diverging in that if we start going further, you know, then you go - you search for search engines then what search engine then are we going to do on the per search engine basis. We cannot generalize on all search engines.

And then per language basis perhaps and then what about the Facebook and the other (unintelligible) on the networks will they be affected when we're - I really think that at that point we're going into something with effectively gets us to redesign the wheel from scratch and go into a mission which will have ICANN monitor every single thing that's happening on the Internet from the moment a computer is turned on to the moment the, you know, an email is sent, etcetera, etcetera.

It just becomes - I mean, you know, then you can also expand it to every single application that takes place out there, email, FTP, Web of course, etcetera. It just becomes really unmanageable. And I think that as far as the finances are concerned to be able to track all of that it would be very, very hard financially speaking. Thank you.

Rosemary Sinclair: Thanks, Olivier. Cheryl.

Cheryl Langdon-Orr: We've got to keep to scope and our scope is about measuring the effect of the new gTLD program in the Domain Name System comparing what we've got now to what is operational and the effect of what is operational on our defined, in inverted commas, marketplace. And I use the marketplace in inverted commas because if we go down this particular rabbit hole what we are doing is exposing, in my view, ICANN to valid criticism that it is not sticking to its knitting.

All right? And it's the - and I am not a free market economy fan, sorry, Steve, etcetera, but, you know, I basically - I think it causes as many problems as it

does solutions but anyway I sort of firmly base myself in Asia on that part I guess.

But what it does do well is sift and sort all this stuff out. And if there is a market advantage in that sort of differentiation then the creator of the product, which is currently called search engine but could be called something else when someone invents it, will utilize whatever it takes to say what its services are will get to where the end user wants to be using the registration system and the Domain Name System and the IP addresses in combinations thereof.

To use the rationale that is being given here would actually go more back to the DNS itself is redundant and things like QR codes, which is actually competition for search engines are going to, you know, storm the place as opposed to people are going to choose to have billboards and mail-outs, you know, it's a matter of marketing choice.

Sorry, getting off my soap box and I will stop ranting now.

Rosemary Sinclair: Thanks, Cheryl. Now I think Steve - over to you.

Steve DelBianco: Thank you. I do believe that search engines are just one of several ways that URLs are presented to users and others are hyperlinks that show up in a tweet. Others would be links that show up on Webpages. There's also the business cards, logos on shirts...

Rosemary Sinclair: Yes.

Steve DelBianco: ...URL that shows up at the end of a television commercial, URL that's read out loud to you on a radio commercial. Please go to www.wellsfargo.bank for more information. It's also on lots of other visual media that allow people to look at it.

There is an element that INTA is getting at that we may have missed though in that those URLs are intended not only to offer choice but they're intended to offer meaningful choice in the sense that if I see dotBank in that URL, whether it's on a search engine or inside of a...

((Crosstalk))

Rosemary Sinclair: Yes.

Steve DelBianco: ...it's supposed to convey something. Now our definition of choice gets to the notion that it's supposed to convey something about the proposed purpose and integrity to live to the left of that dot that we are suggesting that consumers would benefit from additional choice; that they could go to a bank that ended in dotBank or a bank that ended in dotCom.

And if the dotBank operators are spending enough money to educate people when they were enforcing their registrant restriction over time people would have the choice of going to a Bank or a dotCom and they might be more confident doing their banking at a dotBank. That's the - that's what mainly the innovation that sold out to be on the gTLD expansion.

So having said all that I believe what we could do is not expand the scope to cover search engines, business cards, TV commercials and trucks...

Rosemary Sinclair: Yes.

Steve DelBianco: ...but expand the definition in front of the word 'choices' to capture this notion that the choices have to be - they have to be meaningful choices. And meaningful gets to the notion of a significant set of choices that mean something visually when I look at them on a page, on a truck or in a search result.

So what if we put the word 'meaningful choices' in our definition of consumer choice - put in the word 'meaningful' in between the word 'offer' and 'choices'? How much of that - how much of the itch of INTA does that scratch? Thank you.

Rosemary Sinclair: Tobias. Oh...

Tobias Mahler: Yes, basically - this is Tobias. This would also take us to the US government's proposal...

Rosemary Sinclair: Yes.

Tobias Mahler: ...which I couldn't find in this table for some reason. Probably it's there but I just didn't find it. The US government also said that meaningful choices would be useful and they qualified this further by saying that - just a second - (unintelligible) there...

Steve DelBianco: That taking into account price, quality and...

Rosemary Sinclair: Yes.

Steve DelBianco: ...product diversity. Right, Tobias?

Tobias Mahler: Exactly, exactly. Well so which I think at least the (unintelligible) is meaningful and these three aspects I haven't really thought about but why not? Thank you.

Rosemary Sinclair: Thanks, Tobias. Olivier.

Olivier Crépin-LeBlond: Thank you, Rosemary. It's Olivier. And I'm going to be brief in this comment in fact rather a question. Do you think that the INTA in this comment is basically just pointing at brand dilution? Or the possibility of

brand dilution? Because to me that - it's a long-winded way to basically say does it dilute a brand?

Cheryl Langdon-Orr: Cheryl here. It more than brand dilutions, Olivier, I was thinking that the effect that they were seeking us to measure was not just on the dilution of the brand but also the effect of (forceness) of brand being classified - in other words a properly trademark and branded product versus a pseudo or copied product.

And again I think that's all fascinating, all interesting and could in fact be the review team's choice to go and play with as a subset of what it does but it's out of our workgroup's scope.

Rosemary Sinclair: Rosemary here. There's an element of that in their previous comment as well. Tobias.

Tobias Mahler: Sorry, I just forgot to lower my hand.

Rosemary Sinclair: Oh sorry. Steve.

Steve DelBianco: Thanks. Just a quick comment then. I think that what they're getting at here is they'd hope that search engines, before they rank the results, would take into account the TLD that the result comes and presumably rank the special purpose TLDs ahead of the other TLDs for which defensive registrations were made.

And that is a fond hope of not only INTA but end users like me...

Cheryl Langdon-Orr: Yes.

Steve DelBianco: ...because I hate bogus search results. In some cases all the extraneous TLD registrations, the defensive registrations, and in some cases they resolve to

the actual intended page but in many cases they don't. So I think it's a fond wish of INTA; it's a fond wish of me but it has nothing to do with ICANN.

So I would propose that we answer this question - this suggestion by INTA by explaining that we don't believe that the volitional innovations made by search engines are within the purview of ICANN...

Rosemary Sinclair: Yes.

Steve DelBianco: ...that we don't want to modify the definition. However in our survey we already described - our survey seeks to measure consumer confusion, maybe consumer satisfaction with the gTLD expansion. And many consumers will answer those questions based on their experience with search engines which is what more and more of us will have to use to navigate the Web because it'll be rather fruitless to just guess at URLs.

We looked at our survey on Page 7 under measures of consumer trust we had an explicit call out to measure, quote, confusion about new gTLDs.

Rosemary Sinclair: Yes.

Steve DelBianco: While that doesn't say confusion about new gTLD (unintelligible) question for the group if you look at our table of metrics for consumer choice (if) we have a survey of consumers in there. We did. We had a consumer survey - well, maybe not; maybe we didn't have a consumer survey. We had an online survey of duplicate registrations...

Rosemary Sinclair: Yes, yes.

Steve DelBianco: Okay so (unintelligible) we did not have a consumer survey...

((Crosstalk))

Steve DelBianco: ...under consumer choice.

Cheryl Langdon-Orr: We could expand.

Steve DelBianco: Yes and by the way it wouldn't be a separate survey, right, it'd be more questions...

Cheryl Langdon-Orr: Yes, that's why I used the word expand, yes.

Steve DelBianco: Thank you.

((Crosstalk))

Steve DelBianco: ...completely. So, Berry, to register this one for the notes I'm suggesting that we would - while we don't believe that the voluntary innovations of search engines are within the scope of ICANN we are confident that consumer confusion with respect to things like search engines should be measured as part of the survey - the consumer survey.

The survey was first discussed under our consumer trust metrics. But the survey of those same population should include questions regarding to choice that might also include questions regarding to competition which we are about to get to.

So let's find a way to identify that the survey - the consumer survey identified under consumer trust - would include questions that cover choice in competition and find a way to note into the choice table that we'll try to cover that as well. Thank you.

Rosemary Sinclair: Thanks, Steve. So I wonder if - Berry, could you summarize that as you understand it just so that we're clear?

Berry Cobb: Yes so this includes both 26 and 27. Basically we're going to modify our current definition with the use of consumer to replace registrants and users. In fact if I understand that we're going to do that to all of our definitions.

Cheryl Langdon-Orr: Yes.

Rosemary Sinclair: Sure.

Berry Cobb: And then we're also, for consumer choice, we're also going to add the word 'meaningful' before choices in our definition. And then the third recommended change is to connect or expand our survey from consumer trust to also include elements of consumer choice and competition within the same survey populations.

Rosemary Sinclair: And Rosemary here. Do we want to - do we want to make the comments that the INTA suggestions are taking us out of scope as we see it but then we're proposing to do A, B and C? Do we want to note that?

Berry Cobb: This is Berry...

Steve DelBianco: Rosemary, Steve. I mean, we should certainly note that - we don't have to warn that they're taking us out of scope because we're acknowledging that the scope of consumer confusion about search results is within scope when you do a survey because we want to learn whether it's true.

                    What's quote, unquote out of scope is that it's not ICANN's responsibility but it may be a symptom of...

((Crosstalk))

Steve DelBianco: ...for the number of gTLDs as well as a dramatic...

((Crosstalk))

Steve DelBianco: ...defensive registrations. So that is a symptom that we seek to measure in a consumer survey but I don't believe it's explicitly called out in the definition of consumer choice.

Rosemary Sinclair: Yes, sorry, Rosemary here. Yes, no I was happy with the suggestion about the - adding meaningful and not changing the definition. I just wondered whether we should capture our discussion about, you know, search engines and applications becoming ICANN's responsibility. But I'm also happy if the group feels that we've dealt with it by taking the actions that Berry just outlined for us then I'm happy to just leave the point there.

Cheryl Langdon-Orr: Cheryl here. Rosemary, if there's an appropriate place in the text to note that just so it's bleedingly obvious I'd be happy with it. Say, you know, noting that the remit of ICANN is not inclusive of such things as...

((Crosstalk))

Cheryl Langdon-Orr: ..the grab bag and close quotes - that would be okay with me. I just don't think we need to labor the point but I'm also...

Rosemary Sinclair: No.

Cheryl Langdon-Orr: ...aware of people who've put particularly huge amounts of time into mulling over our words and dissecting them and trying to get them right. For us to put in 15 more words somewhere in the text recognizing it would be no harm at all in fact probably more good than harm.

Berry Cobb: This is Berry. On Pages 2 and 3 of our advice letter we have the section on scope of advice which talks about the QR codes and what's not in scope for ICANN's purview.

Rosemary Sinclair: Yes.

Berry Cobb: Maybe we can append a couple of sentences into that section...

((Crosstalk))

Cheryl Langdon-Orr: Perfect, Berry, perfect.

Rosemary Sinclair: Yes, that's a great idea. Thanks, Berry. Okay so we're ready to move to 28 when Berry's ready.

Berry Cobb: Okay Number 28 - we've already reviewed this one. This was from Andy Mack in Costa Rica session. And we were going to just ensure I think in either a footnote about the survey that we include elements of outreach and awareness of new TLDs into the survey.

Cheryl Langdon-Orr: Yes.

Rosemary Sinclair: Good.

Steve DelBianco: And by the way, folks, let's put that under the new row under the consumer choice where we reference the existing survey. That way instead of burrowing it in a long list of things to measure under the consumer trust consumer survey that we...

((Crosstalk))

Steve DelBianco: ...elements right here. So we already have two, right, we have confusion about search engines and other links as well as the general awareness that Andy Mack made.

((Crosstalk))

Cheryl Langdon-Orr: Yes, good idea.

Rosemary Sinclair: Okay. So are you clear on that, Berry?

Berry Cobb: Yes.

Rosemary Sinclair: Yes, okay good.

Berry Cobb: And I'm looking at Number 29 and I think I messed up here. We're still in the consumer choice section but I've listed competition here. So if the working group doesn't mind we can come back to this when we get into competition.

Rosemary Sinclair: Yes, I think that's a good idea.

Berry Cobb: And so now we'll move into the consumer choice metrics. If somebody will read just out loud for me I'll make a correction of my error there.

Rosemary Sinclair: Well, Rosemary here, perhaps if I read this out loud. (CBDB) requests that the costs of trademark abuse be tracked by calculating the number of defensive registrations that will follow in the new gTLD registries as well as calculating the number of blocking of trademarks that will occur during sunrise periods in the new gTLDs.

Such costs are addressed to the public interest and ultimately consumers. To minimize such costs (CBDB) strongly urges ICANN to put in place a central trademark clearinghouse for valid trademark holders to block registries and registrars from sales of such valid trademarks to registrants.

This will reduce the amount of profiteering that has taken place in the past when registrars are allowed to sell other's trademarks which does nothing to increase competition on the Internet.

ICANN has essentially allowed the blatant violation of other's trademark rights for too long and if it continues to allow this it should document the amount of such illegal activity.

And that comment is related to Metrics 1, 2 and 3. Just let me remind myself and everybody else what those are. So they are the first three measures of consumer choice. Steve.

Steve DelBianco: Thanks, Rosemary. I would take what (Angeli) - this is Better Business Bureau's comments. I would say that we bifurcate her comments. Everything that starts with - is normative where she prescribing a fond wish for a policy change at ICANN. It's strictly out of scope for us...

Rosemary Sinclair: Yes.

Steve DelBianco: ...we're not making policy; we're measuring...

Rosemary Sinclair: Yes.

Steve DelBianco: ...the success of the program. With all due respect we drop everything underneath the words to minimize such costs. Set that aside and respectfully call it a policy advice and it's outside the scope of what this group is working on.

Now turning to the stuff before the words to minimize would map it to what we have on Page 10 of our table...

Rosemary Sinclair: Yes.

Steve DelBianco: ...and this group went way the hell out on a limb to try to suggest that ICANN do an estimate of the quantity of defensive registrations. Not everyone will agree on what our estimate measurement was. Some other people say that

they don't even quibble with our estimating measure they quibble with the target we came up with which...

((Crosstalk))

Steve DelBianco: But we're never going to please everybody. And we want to stand by our attempt at least to advise the Board - (unintelligible) we're advising, we're not making these up - we're advising them that they try to measure the cost of the (unintelligible) registration.

Rosemary Sinclair: Yes.

Steve DelBianco: So that what Better Business Bureau is asking us is not only the number - because we've already done that...

Rosemary Sinclair: Yes.

Steve DelBianco: ...is the word cost. They want the costs. And what I'd like to respond to there is that my recommendation is that we suggest that we can foresee no mechanism by which ICANN could measure the individual expenditure of those people who've made what for their purposes was a defensive registration.

Instead we looked to do an estimate of the - a rough estimate of the aggregate number of defensive registrations. And we can identify the rows in our table on Page 10 that try to do that. And it's really heavily on numbers in the Rows Number 1, 2 and 3 which include zone snapshots. Remember all that work that Berry helped us work out?

Rosemary Sinclair: Yes.

Steve DelBianco: And then the online survey. So I would point to that and say that we're making a good faith estimate of the quantity - the relative quantity at least of

defensive registrations but that we could not know the actual expenditures or costs of registrants when they made decisions that may have been for defensive purposes.

Rosemary Sinclair: Thanks, Steve. Rosemary here. It's - I mean, we could in the survey ask people to identify any expenditures that they had incurred but we can't do it globally. But it's - to me it's a question of whether you even want to include that sort of question. And I suppose that matter would come to the fora in discussion about the structure of the survey and what matters were covered in the survey.

So perhaps the other point to make is that we have suggested a survey on consumer choice. But I'm happy if we just go forward with Steve's comments that we've focused our effort on attempting to measure the quantity of defensive registrations but not the cost. Because - you know, leave it at that. So any other thoughts on that before we ask Berry if he's clear on the response?

Cheryl Langdon-Orr: All good for me.

Rosemary Sinclair: Good. Okay. So, Berry, are you clear on what we - what our response there?

Berry Cobb: I didn't hear that there was an actual change to anything in our advice letter, right?

Rosemary Sinclair: No since - I think we're suggesting just in our table noting I suppose that we are proposing to measure the number of defensive registrations; we have a set of metrics around that.

Steve DelBianco: Right but that would be a change - that would be a recommended action description so that we can explain to the community how we reacted to their comment.

Rosemary Sinclair: Yes.

Steve DelBianco: But it doesn't require a change to Page 10 on our actual table of metrics, Rosemary.

Rosemary Sinclair: No so it's in the working group response I guess I'm seeing. That point you made, Steve, and I'm not suggesting that we put in the table that we're already sticking our necks out by suggesting that we try to measure the quantity of such registrations but that we see it as pretty impossible to measure the cost which is the (unintelligible) Better Business's point. But it wouldn't - it doesn't go to a recommendation, no. Tobias.

Tobias Mahler: This is Tobias. I just have a small question. You said this is going to be in the working group's response. I was under the impression that our response is just the next edition of the letter or will there any - be any other official...

Rosemary Sinclair: Oh.

Tobias Mahler: ...response? Thank you.

Berry Cobb: This is Berry. I can answer that. You're correct. Our only real response owed to the community is our final version of the draft letter. If community members are interested to see what the exact response is this public comment tool will be posted in the public comment forum...

Rosemary Sinclair: Yes.

Berry Cobb: ...and then they also have access to previous MP3s or the transcripts to understand how the working group deliberated around that comment.

Rosemary Sinclair: Okay so in our - in this tool what we're saying is that we think this is already covered in our advice letter or the extent of what we're going to do is covered in the advice letter Page 10.

Berry Cobb: That's my understanding.

Rosemary Sinclair: Yes, yes.

Cheryl Langdon-Orr: But it is...

Rosemary Sinclair: Okay.

Cheryl Langdon-Orr: ...sorry, Cheryl here. But it is important - and I'm kind of speaking my ATRT panel hat on here. It is extremely important that what we're doing now and utilizing our opportunity to put meaningful and thoughtful comments and responses into the public comment review tool that is a public document. And believe me that makes a huge difference when those who have put the huge effort in to make a public comment can track and find that it is not simply a black box that they funnel their valuable time and energies into.

It cannot be underestimated that taking all of this stuff seriously and recording it is hugely important not only for the reputation of our own workgroup and other workgroups, Berry, because we've seen this change in the last couple of years. Take that really only 18 months. But for ICANN as a whole and the multistakeholder model this is, you know, critical stuff we're doing.

Rosemary Sinclair: Thanks, Cheryl. Tobias.

Tobias Mahler: Yes. This is Tobias. Thanks. That was basically an answer to my question. Very nice. Thank you.

Rosemary Sinclair: Fine. Rosemary here again. I - maybe I'm now realizing a limitation of the tool. I'm just imagining myself as chair of the working group interacting with

one of the stakeholders. And out of our 70 pages of comments trying to remember why in regards to Comment Number 30 we didn't do anything which is the other way of interpreting this.

So I wonder if it's possible under recommended action for us to just note that we're not taking any action because we feel that trying to measure the cost as proposed by this comment are just too difficult, beyond scope, whatever - whatever just the core of our reasoning is so that rather than me or any one of us having to troll through the transcript to remember and perhaps it's a comment on my own memory here rather than anyone else on this working group but I'm sure by the time I get to Page 70 I will have forgotten why on Page 17 I haven't responded in any way to that comment.

And part of it is just the issue that Cheryl was raising that to note just the core of our response...

Berry Cobb: Rosemary, this is...

((Crosstalk))

Rosemary Sinclair: ...the process. Yes, Berry?

((Crosstalk))

Berry Cobb: ...Column 3 is for the working group response and in there I try to capture the key deliberation points...

Rosemary Sinclair: Yes.

Berry Cobb: ...across the working group. And so one of those is that, you know, we acknowledge that...

Rosemary Sinclair: Right.

Berry Cobb: ...we're trying to acquire the quantity of defensive registrations...

Rosemary Sinclair: Yes.

Berry Cobb: The working group doesn't believe there's a accurate mechanism to quantify the costs associated with those and different points like that.

Rosemary Sinclair: Yes. So, Berry, are you suggesting that that last point that we don't think it's possible to accurately quantify the cost can be put into the working group response column?

Berry Cobb: Yes, that's what I've added in there, yes.

Rosemary Sinclair: Oh sorry, sorry I'm looking at the previous version.

Berry Cobb: Right, yes. I'm sorry, I can't update in real time on the Adobe...

((Crosstalk))

Rosemary Sinclair: Sorry, yes. Okay got it, got it. Okay well I think that's my...

((Crosstalk))

Cheryl Langdon-Orr: Berry, Cheryl here. In my future utopian world, you know, every part of all these documents will be so easily searchable by these externally-created market force-driven search capabilities that it'll be easy for us, Rosemary, to find the specific reference; Line 32...

((Crosstalk))

Rosemary Sinclair: Even at 5:00 am in the morning, Cheryl.

Cheryl Langdon-Orr: Even at 5:00 am in the morning, dear, that's right.

Rosemary Sinclair: Right, which may have something to do with my slowness so apologies to the working group. All right so Berry's obviously clear on what we're doing which is a great leaping off point to go to the next point in the tool.

Berry Cobb: And, Rosemary, I've recovered from my error and I have just pasted the USG's public comment version of consumer choice definition. And why don't we just go ahead and cover that? I think...

Rosemary Sinclair: Sure, that's good.

((Crosstalk))

Berry Cobb: I'll go ahead and read it out but I believe Tobias's point earlier about the use of meaningful so I think we'll have it covered but just to be sure. Consumer choice is defined as the range of meaningful options taking into account price, quality and product diversity available to registrants and users for domain scripts and languages and for TLDs that offer choices as the proposed purpose and integrity of their domain name registrant.

Consumer choice must be assessed together with consumer trust and competition to aid in determining the overall costs and benefit incurred by consumers and other market participants.

The last sentence I think everyone's aware that that one's repeated across all three definitions by the USG. And if the working group is comfortable with our inclusion of meaningful into our revised definitions then I believe we can consider this covered.

Cheryl Langdon-Orr: Yes.

Rosemary Sinclair: Thanks, Berry. Any reaction to that?

Cheryl Langdon-Orr: Just agreement.

Rosemary Sinclair: So if I understand it Berry is suggesting that we redefine consumer choice down to the end of the first sentence. And now I've lost where we're going to put meaningful. TLDs that offer meaningful choices as to the proposed purposes. Is that the suggestion, Berry?

Berry Cobb: Yes per our comments in 26.

((Crosstalk))

Rosemary Sinclair: Twenty-six, okay, and then drop off the last sentence?

Berry Cobb: Correct.

Rosemary Sinclair: Correct. Okay thanks. Steve.

Steve DelBianco: Okay thank you. I believe that to accommodate the USG I'd like to do the same thing we did under trust which is we only put the word meaningful into the definition of (unintelligible) and put the parenthetical of taking into account price, quantity and diversity and put that plus the last sentence of the paragraph and put them into the notes that we have after the definition of consumer choice.

                  Because if you refer to our initial advice letter...

Rosemary Sinclair: Yes.

Steve DelBianco: ...that we laid out our definition we went - on these definitions - they're on Page 4...

Rosemary Sinclair: Yes.

((Crosstalk))

Steve DelBianco: ...US government recognized the importance of the notes because they made some notes - edits themselves. Okay so on choice (unintelligible) that on our notes we didn't have any notes on choice. And I would add that we should have a note; it would be Note 2.

Rosemary Sinclair: Yes.

Steve DelBianco: It would be a note on the definition of choice and it would...

((Crosstalk))

Steve DelBianco: ...meaningful options will include price...

Rosemary Sinclair: Yes.

Steve DelBianco: ...quality and product diversity. Moreover consumer choice must be assessed together with trust, blah, blah, blah. So we accommodate the USG the same way they actually recommended...

((Crosstalk))

Steve DelBianco: ...to their other definitional changes which they assumed that we would expand the note...

((Crosstalk))

Steve DelBianco: ...to handle trust. So, Berry, do I need to repeat any of that or did you get it all?

Berry Cobb: I think I got it. We'll - per our Number 26 still include meaningful and then we'll also add a second note; meaningful options will include price, quality and product diversity. And then take the last sentence and add that in the Note 2 as well.

Steve DelBianco: And Note 2 would be shifted down to Note 3, etcetera.

Rosemary Sinclair: Yes.

Berry Cobb: Right, right.

Rosemary Sinclair: Yes. Any other...

((Crosstalk))

Rosemary Sinclair: Tobias.

Tobias Mahler: Yes, just more comment. Maybe this sentence that is repeated in all three of the definitions I would just suggest that we keep that separated as a note in itself and not merge it with the others. In the Word document I sent around yesterday I had a proposal for how that could be done.

Rosemary Sinclair: Would you like to just remind us what that proposal was, Tobias?

Tobias Mahler: Yes...

((Crosstalk))

Rosemary Sinclair: Or Berry's - are you putting it up, Berry? Good, thank you.

Tobias Mahler: Yes it's - okay.

Rosemary Sinclair: It's Note Number 5, Tobias, is it?

Tobias Mahler: Yes, right.

Rosemary Sinclair: Yes, look, I think that's a great suggestion to include that so that we don't have to keep repeating that point through the whole document. And in fact we kind of made it ourselves in Note 2 where we talked at least about competition and consumer choice being closely related. So that would be the third response here, Berry, to include a new note which might be 6 now, I'm not sure, in those notes on the definitions.

Okay any other thoughts on that? If not then, Berry, are you clear on the response?

Berry Cobb: Yes.

Rosemary Sinclair: Okay great.

Berry Cobb: Okay so I believe we're on 31 now so within consumer choice metrics. This one was from (Analisa Roge), a public comment. She's referring to our included Metric Number 4, measure the increased geographic diversity of registrants across all new gTLDs as an indication of new choices presented by gTLD expansion do not count privacy proxy registrations.

Her response is geographic diversity of registrants actually using the new gTLDs - is there widespread adoption of new gTLDs in regions around the world that are representative of the Internet's reach? Has the program been accepted and understood across the regions? And is there evidence that new gTLDs as a general group are being registered and used across the world?

Note this is different that diversity and who is managing the new gTLDs. Ability of new gTLDs to empower communities, regions, brands and people - consider doing a study of group of communities around delegated new gTLD

strings before and after their launch - before and after they launch their gTLD compared to similar communities who did not have gTLD strings.

Rosemary Sinclair: Thanks, Berry. And now that I understand how the tool is working what you're reminding us of, Berry, is that in our metrics in this area, Number 4, we have a metric which is in fact in bold in the Comment Section 31. So we're open now for discussion. Steve.

Steve DelBianco: On previous calls with this group we covered and decided that we did not - we discussed extensively this notion of the counting of privacies and proxies. And I would look for the group to help me out on that - in the bold text at the top. If you recall we took out the do not count privacy and proxy from the defensive registration count but I don't know that we discussed it with respect to this one - geographic diversity.

Do you folks believe that if you go through the zone and the Whois data can we know about the geographic origin of a registrant if - have used privacy or proxy or does that prevent us from knowing what we seek to know?

((Crosstalk))

Berry Cobb: This is Berry. I would say very loosely about the only way that you would be able to kind of come up with a metric and the backdoor perspective is based on the registrar itself and that's no guarantee that...

Rosemary Sinclair: Yes.

Berry Cobb: ...they are strictly confining their registrations to that geography or that group of persons. But that would be about as far as we could take it.

((Crosstalk))

Cheryl Langdon-Orr: It's going to give you dirty data. It'll give you dirty data.

Steve DelBianco: So, Cheryl, you would advocate that we do not count; we leave it in there...

((Crosstalk))

Steve DelBianco: ...do not count.

Cheryl Langdon-Orr: As I have advocated before; it'll give you dirty data.

Rosemary Sinclair: Yes.

Steve DelBianco: Is everybody sort of in agreement on that?

Rosemary Sinclair: Rosemary here. Yes. I'm not actually sure that that's the point that's being raised here. I think the point is a broader point about understanding and accepting the program and talking about adoption, you know, in a much wider scope. I think all we can do is, as we've suggested, measure the increased diversity. It'll be interesting to see what we see whether it is increased diversity.

But I think these points are much more general in nature. And I'm not sure that we can take that on board in this piece of work. But I was wondering if Cheryl or Olivier might give us their thoughts?

Cheryl Langdon-Orr: Olivier?

Olivier Crépin-LeBlond: Thanks for punting it over to me, Cheryl.

((Crosstalk))

Olivier Crépin-LeBlond: Thank you for doing that. You know, I have...

((Crosstalk))

Olivier Crépin-LeBlond: ...by the way. Geographic diversity...

Rosemary Sinclair: Yes.

Olivier Crépin-LeBlond: ...is something which we mentioned as well. And, you know, the
                (unintelligible) advisory committee was one of the primary proponents of the
                Joint Applicant Support program. In order to be able to try and have more
                geographic diversity.

                Now we don't even have the details on whether that was used or not at this
                very moment in time. Obviously we are hoping for geographic diversity of
                registrants. And - but ultimately, you know, the question then comes down to
                really not down to how many domain names there are out there and where
                they're from but I think it's more like where the registrars and whether the
                registries are located as the measure of proximity of registrars and registries.

                Whether it's within the remit of this group or not is another question; I'm not
                100% sure.

Rosemary Sinclair: Steve.

Steve DelBianco: Thanks. Olivier's point lit a bulb for me that maybe they do mean actual use
                and not just the (unintelligible) some distinction in that the way we propose
                the measure which is just look at the diversity of the registrant might be that
                (Analisa) is saying before you count every registrant the same check for a
                non-resolve; that they simply registered but never actually built a Website that
                it goes to.

                If that's what she's getting at we could - if that's what she's getting at we
                could modify our metric to say the increased geographic diversity - we said
                do not count privacy and proxy registrations in parens and I would add in
                parens do not count registrations that failed to resolve.

Cheryl Langdon-Orr: Yes, happy with that.

Steve DelBianco: If we added that in parens it's a relatively minor thing for them to do as Berry designs the process used to walk the zone. And I think that that would be a meaningful addition to a measure of choice and so that's what I propose; that parenthetical on our bold stuff at the top.

Rosemary Sinclair: And Rosemary here. And that would mean that our actual measure of geographic diversity was a much stronger and more relevant measure; is that the effect of your suggestion, Steve?

Steve DelBianco: It is, Rosemary. It's...

Rosemary Sinclair: Yes.

Steve DelBianco: ...it says that it's really not a measure of diversity if 1000 South Africans register but nobody lit it up. Or an IDN got a lot of registrations...

Rosemary Sinclair: Yes.

Steve DelBianco: ...but there's been no content filled out. And by the way a redirect would count as a registration...

Cheryl Langdon-Orr: And that's okay.

((Crosstalk))

Steve DelBianco: Right, Cheryl? It's only the 404s...

((Crosstalk))

Cheryl Langdon-Orr: Absolutely, that's okay. Cheryl here. That is not dirty data; that's valid. We may in fact at the end it could be cute to sort of look at how many of those things end up in those, in inverted commas, parked or redirect issues. But it is, you know, I think that's a very valid way to go; I'm 100% supportive of it.

Steve DelBianco: Let me finally say that when we do these counts of walking the zone I would love to have all three statistics. I'd like to have a statistic of the total number of registrations; I'd like to have a count of within each country how many of those were privacy proxy and therefore not counted. And also how many of those were 404s and therefore not counted. So let's...

Rosemary Sinclair: Well it's always good to look in the bin, Steve, but remember a 404 is just the page not resolving not the name not resolving.

Steve DelBianco: Okay so what we seek to capture is that the registrant set it up but didn't tell the registrar where to point the page. What is that counted as? What do you call that?

Cheryl Langdon-Orr: That's a redirect.

Berry Cobb: This is Berry. There's a high chance in that scenario that the registrar would have their own parked page.

Cheryl Langdon-Orr: Yes. And that's okay too.

Steve DelBianco: And so a redirect to my existing page - if I already had delbianco.com and I got one of the new TLDs for delbianco.bike from Italy I would - if I redirected it to the exact same page that's a redirect.

Rosemary Sinclair: Yes okay.

((Crosstalk))

Steve DelBianco: ...mean by a redirect, Cheryl. If however I registered delbianco.bike but I never even told the registrar where to send...

Rosemary Sinclair: Nothing is there.

Steve DelBianco: ...and I thought that was a 404. Berry is intervening to say that some registrars - some services will put up a park page...

Rosemary Sinclair: Correct.

Steve DelBianco: ...on their own. And (Analisa Roge) would say though that's not really what she means by actual use probably...

((Crosstalk))

Cheryl Langdon-Orr: And I'm saying that would still get counted but you may need to note that it was a redirect to a parked page. But you'd still...

((Crosstalk))

Steve DelBianco: That's not a redirect and - well, okay I see your point. Berry, is there a way to know in a programmatic way when you walk a zone is there a way to know that it's a quote unquote parked page?

Berry Cobb: Not with 100% certainty although the name servers typically are isolated from real content name servers so...

Rosemary Sinclair: Yes.

Berry Cobb: ...with some certain degree you can kind of get at least a ballpark that this quantity of TLDs is assigned to these parked name servers that are - only serve up parked pages.

Cheryl Langdon-Orr: Yes.

((Crosstalk))

Steve DelBianco: But delbianco.bike, as the owner of that site I may have actually sought out one of these parking vendors who sends me a check for $14 a month on the traffic I get at my parked page. So that's actual use. It may not be of any benefit...

((Crosstalk))

Steve DelBianco: ...but it is actual use. So I will stick to my earlier suggestion that we just put in parens do not count page not found but do count everything else as actual use.

Cheryl Langdon-Orr: I think it's all you can do reasonably, Steve. Cheryl here for the record. And if and when one wants to go into greater detail and, yes, what Berry says is very important, you do get a feeling for the data when you see where things are, in inverted commas, resolving to but you also - the system you use then is you do a sampling system.

And, you know, someone sits there and, you know, insert whatever the large end number is going to be. It might be 5000 sites. And you look and you see how many of them resolve to something you've asked it to go, Steve, versus a courtesy, in inverted commas, page put up by, you know, the company you're dealing with. So...

Rosemary Sinclair: Okay, Olivier.

Olivier Crépin-LeBlond: Thank you, Rosemary. It's Oliver for the transcript. I believe that technically speaking it is pretty much impossible it find out whether Steve would park his page whether the registrars parking this page, whether the registry is parking the page.

Whether, you know, and the other concern is we're spending much time on discussing something which might eventually just get thrown out because we have to remember ICANN does not deal with actual content. And here we really are delving into classification of content which becomes extremely hard. Thank you.

Rosemary Sinclair: Thanks, Olivier. So taking all that on board then if we go back to our measure, which is the geographic diversity in parentheses, do not count privacy proxy registrations. And then I think we're adding a second paren...

Cheryl Langdon-Orr: Parenthetical.

Rosemary Sinclair: Indeed. And in - Berry in the chat suggested we just think about the inclusion of the average and awareness type comments in the survey that we discussed before. And I'm just not sure where we landed with that. So if you have a look in the chat, can this be tied to (unintelligible) inclusion of outreach and awareness within that survey? Thanks, Berry.

Steve DelBianco: This is Steve. Rosemary...

Rosemary Sinclair: Yes?

Steve DelBianco: ...I mean, the awareness question has nothing to do with those who actually register. Awareness is measured for those who are quote unquote potential registrants. And the diversity measure that we've been responding to in Number 31 or 32 is about actual registrants. And we know they're aware because they took the action of registering.

Rosemary Sinclair: Yes. Berry, could you just scroll back up to that Andy Mack suggestion where what we've said is that we will incorporate outreach and awareness of new TLD questions into the survey.

Okay so I think that - my question is that response there in Item Number 28 if we can now scroll back down, Berry, do we just want to repeat the fact that we've done that in response to 31? So we're going to stick with our quantitative geographic measures but note that we've included a question about outreach and awareness in our consumer survey.

Berry Cobb: And this is Berry. The only reason I tried to make the connection back to Andy's is that, right, he is more focused on the outreach and awareness but it's in the context of geographic diversity, you know, because I think we all know where his passion is and the customers that he helps and assists. So that was his vantage point.

But I agree the way Steve had just mentioned; they are different at this point. The registrants are already aware and have been outreached to.

Steve DelBianco: But Rosemary and Berry, to pick up on that the word 'understood' across each region - the word 'understood' across each region...

Rosemary Sinclair: Yes.

((Crosstalk))

Steve DelBianco: ...up in (Analisa)'s paragraph. Berry, could you highlight that please?

Berry Cobb: I don't have...

Rosemary Sinclair: It's the middle sentence, Berry, in 31.

Steve DelBianco: Right, in 31.

((Crosstalk))

Rosemary Sinclair: It's that middle sentence.

Berry Cobb: Right, I can't highlight right now.

Steve DelBianco: I'm sorry, then...

((Crosstalk))

Steve DelBianco: ...I thought that you could. So the world 'understood' that could be linked to Andrew Mack's...

Rosemary Sinclair: Yes.

Steve DelBianco: ...awareness survey. The understood is understood in the terms of the population not just those who registered. But other than that...

((Crosstalk))

Rosemary Sinclair: Yes.

Steve DelBianco: ...tight linkage but why not say that we're partly responding to (Analisa) in measuring understood as part of awareness and we're doing that back under the previous item? So I'm agreeing with you that there is one tiny linkage between 31 and Andrew Mack and we should point it out.

((Crosstalk))

Steve DelBianco: ...separately.

Rosemary Sinclair: No. Okay so I think we're now done on 31. Are you clear, Berry?

Berry Cobb: Yes, just taking some final notes.

Rosemary Sinclair: Yes, good, yes, yes.

Berry Cobb: Okay 32 this is from INTA and this was from their comments from their metrics chart. And I believe they're proposing a new metric here. "As noted above we believe that the definition of consumer choice should include consideration of the experience of Internet and DNS users. The CPWG should consider including the following description of survey measure in the section on consumer choice metrics."

"Survey of consumer experience and ability to locate sites offering information, products or services for which they have searched the Internet relative to their ability to do so before the gTLD expansion. The survey could measure consumer's ability to locate sites utilizing domain name searches rather than keyword searches."

"Although the measures include several that analyze the quantities of TLDs using IDNs or languages other than English these do not provide a satisfactory measure of the relative success of the opening of the DNS to IDNs."

"Clearly by permitting the establishment of new gTLDs using non-English and non-Latin characters and scripts the DNS is offering a greater choice. However in addition to demonstrating that such domains are being registered we believe the relative success of allowing such domains should be tested as part of the analysis."

"We therefore propose that another measure be included which compares the percentage of IDNs in each script or language to the percentages of people who speak or utilize each particular language or script. These percentages should converge over time."

"Determining whether new gTLDs actually provide for greater consumer choice or merely a proliferation of new domain names is an important measure thus the measure as of the number of defensive registrations is an

important metric for consumers who rely on trademarks and trademark owners to protect their respective marks."

"In its regard we note that the defensive registration measure include not only top level domains but second level domains. We do not, however, believe that privacy proxy registrations should be excluded from the numerator in this calculation."

Rosemary Sinclair: Thanks, Berry. Steve.

Steve DelBianco: Thank you. I believe we covered most of this earlier so this should be quick. But my proposal to help respond to this is something we already agreed to which is on our table of consumer metrics we were going to add one referencing a consumer survey. And I would propose putting it first in the table not at the end because the first item in the table was the transparency and clarity of registry benefits. And I think that we should put the first one to be a survey.

Rosemary Sinclair: Yes.

Steve DelBianco: And the way we should...

((Crosstalk))

Steve DelBianco: ...is to reference the choice to consumer - the attempt to measure the meaningful - to the extent of how consumer choice is meaningful, which we've already added to the definition, will be ascertained partly through an online consumer survey; the same online consumer survey under consumer trust.

The consumer choice elements that would be measured in that survey include - and we've already covered a few of them but having to do with the search engine performance, user confusion about the choices, the ability of

consumers to report whether they understand that they have the choices and whether they believe those choices are meaningful.

And we can add to the elements that we would propose that the survey vendor measure. But we'd want to make it clear that it's the same survey described back on our table of consumer trust; it isn't a new $100,000 survey; it's just more questions...

Rosemary Sinclair: Yes.

Steve DelBianco: ...on the same survey.

((Crosstalk))

Steve DelBianco: So my proposal is to make it a new row on Page 9 of our advice letter and referencing consumer trust survey and try to pick up some of the stuff that INTA has asked about here. Thanks.

Rosemary Sinclair: So, Rosemary here, Steve. So you're referencing the same survey in the measures of consumer choice on Page 9. But it's the survey we talk about - pardon me - on Page 7 in consumer trust?

Steve DelBianco: You've got it. And then we delineate a few of the things...

((Crosstalk))

Steve DelBianco: ...from INTA's comments so that it's clear that we are being response. But we're not only being advisory to ICANN's - wait a minute - in the first place we're advising the GNSO, ALAC, ccNSO and GAC. In the second place they may or may not take advice when they send it up to the Board.

And of course the Board is only going to advise a survey vendor to design a survey. And at that point a couple of years from now the survey vendor may say that's too many questions. So...

Rosemary Sinclair: Yes.

Steve DelBianco: ...we're doing our best but we can't control things that are three orders of magnitude away.

Rosemary Sinclair: Okay. Any other comments? Now, Berry, would you mind just scrolling down in 32 because my recollection is that - that deals with the first point but the last paragraph has got this point about measuring defensive registrations. And the comment being not to exclude privacy proxy registrations...

((Crosstalk))

Steve DelBianco: We've already agreed to that on - about a month ago.

Rosemary Sinclair: Sorry, Cheryl?

Steve DelBianco: Sorry.

Cheryl Langdon-Orr: No, no I was just saying I think that loops back to our previous comments on what I call dirty data. Sorry...

((Crosstalk))

Cheryl Langdon-Orr: ...I get excited about that as you know.

Steve DelBianco: But, Cheryl - Cheryl, this is Steve. Almost four weeks ago I have written down early in May we did strike the words do not count privacy and proxy from the very first measure of consumer choice with respect to defensive registrations because we did not care about it.

The defensive registrations -whether it's registered in the sunrise period or not that was our crude, crude measure. So frankly if something is registered in the sunrise we were calling it, for crude purposes, a defensive registration...

((Crosstalk))

Steve DelBianco: And course it wouldn't matter of all whether that happened to be privacy or proxy or plain. That's why it's not dirty data for that purposes alone.

Cheryl Langdon-Orr: It's the big buckets, yes, that's the big bucket, yes, okay.

Rosemary Sinclair: Rosemary here. So now - pardon me - I'm not understanding where we're up to on this point. If I look at our Page 10 we've got in parens do not count privacy and proxy registrations. And they are saying we do not believe that they should be excluded so they want them put back in.

Cheryl Langdon-Orr: Yes, that's what they're asking.

Rosemary Sinclair: That's what they're asking. But our position is that we, as I read Page 10, we've excluded them. But then as I was listening to Steve I thought hang on - no we're saying put them back in for that sunrise period.

Cheryl Langdon-Orr: But only for the sunrise period.

Rosemary Sinclair: So it's only for the...

Cheryl Langdon-Orr: Because it's getting a rough measure of what is happening at the beginning.

Rosemary Sinclair: Okay so...

((Crosstalk))

Steve DelBianco: That's right, Cheryl. If you guys are able to turn to Page 10 of our table we...

((Crosstalk))

Steve DelBianco: ...in early May to strike the words do not count privacy proxy just for that row.

Rosemary Sinclair: Okay so that's the first row, yes.

Steve DelBianco: That's...

((Crosstalk))

Berry Cobb: First and second.

Steve DelBianco: That's right. You're right. And we therefore took it out of the italicized note at the top of Page 10 because it would - I mean, we kind of overstepped.

Rosemary Sinclair: Right.

Steve DelBianco: However we are keeping the do not count on the geographic diversity.

Berry Cobb: Correct.

Rosemary Sinclair: Okay. All right so we've picked up their last point in that case. Got it. Okay so I think we're done on 32. If there's any final growing? No. So we go to 33.

Berry Cobb: Okay 33 this is from INTA as well as from their comments on the metrics chart specifically they're referring to Page 10 Metric Number 3. "Survey a sample of duplicate registrations and new gTLDs for purposes of this measure. Duplicate registrations are those where a registrant reports having and still maintaining the same domain name in a legacy gTLD."

"As for the measure of duplicate registrations the new gTLDs we note that this measure is to be based on a survey of registrations of second level domain names in both a new G and in a legacy TLD to determine a relative percentage of domains which do not increase the amount of consumer choice."

"Although described in the survey we believe a better measure could be obtained by suggesting that the review team develop online searches and analysis of actual online sites rather than relying on a survey of site owners. Additionally similar studies have already been undertaken including several relied upon ICANN economic experts. This may be the intent of the measure but not clear from the draft advice."

Rosemary Sinclair: Any comments on this one?

Steve DelBianco: Rosemary, it's Steve.

Rosemary Sinclair: Yes, Steve.

Steve DelBianco: I'm inclined to accept INTA's comment as suggested in our advice to the Board.

((Crosstalk))

Steve DelBianco: ...where we say online survey we could say online survey or automated analysis - or I wouldn't even say automated - online survey and slash or analysis. Include where we said anticipated difficulties. We think it's obtainable using an ICANN external survey tool and/or an analysis of actual registration.

So I would propose that our advice to the Board is to consider one or both of those ways to get to the metrics. Because our real point of view here is that

we're - we went way out on a limb to say that duplicate registrations help to contribute this notion of defensive registrations which don't really contribute to...

((Crosstalk))

Steve DelBianco: Now I don't want to get too far in the weeds and staking our reputation and our good work on whether it's a survey or an analysis. But I welcome INTA's advice to say that maybe this could be done with an analysis.

((Crosstalk))

Steve DelBianco: ...verbatim import their suggestion on an analysis and bring it in here because we don't know whether a survey or an analysis could be done and our advice to the Board is either one of both of those.

Rosemary Sinclair: I think that's a good way forward. Are there any other comments on that suggestion?

Cheryl Langdon-Orr: Fine by me.

Rosemary Sinclair: If not - Tobias? Tobias, we're not hearing you; perhaps you're still on mute?

Tobias Mahler: Oh sorry. This is Tobias. I'll repeat what I said. I would be happy with adding this but it looks like there is a footnote in INTA's comments so there is a Number 1 just before the last sentence. And perhaps we can find some more specific references as to the methods used by other people who have done this before and we can basically just add this footnote, if we can verify that it is correct, into the part of anticipated difficulties. Thank you.

Rosemary Sinclair: So, Tobias, you're suggesting that it's a cut and paste from their comments is that right?

Tobias Mahler: Yes. We would basically have to look at what the footnote says and whether we can verify it. But if someone has actually done this then this can help us to assess the practical difficulties. I'm just assuming that this is a footnote.

Rosemary Sinclair: Yes.

((Crosstalk))

Tobias Mahler: ...the INTA comments...

Rosemary Sinclair: Yes.

((Crosstalk))

Rosemary Sinclair: I guess my own reaction is we have so much work to do that to undertake to verify the comment is possibly just a step too far. So if we, in our process, reference their work then I guess when we get to the actual survey or online analysis or whatever we do then that work could be done then. So would you be...

((Crosstalk))

Tobias Mahler: I didn't mean to do a full assessment just...

Rosemary Sinclair: No.

Tobias Mahler: ...a brief look - usually footnotes, half of my student's footnotes are incorrect.

Rosemary Sinclair: Yes.

Tobias Mahler: And before I just cut and paste something I prefer to look at it that's all I meant.

Rosemary Sinclair: Yes. Okay so any other thoughts on that suggestion? So if - to be honest I think it might be easier if we just stick with the general proposition that Steve put forward if you don't mind, Tobias?

Tobias Mahler: No problem.

Rosemary Sinclair: Okay.

Berry Cobb: This is Berry. I'm trying to find that footnote. I'm very confident that the one that I had in there is a footnote but I can't find it out of their original PDF document just yet. But I am fairly confident that that's what I copied out of there.

Rosemary Sinclair: Okay. Well perhaps we could leave...

((Crosstalk))

Tobias Mahler: It's really not a big deal.

Rosemary Sinclair: No, no, no...

Tobias Mahler: It just could shed some light on the practical difficulties. Thank you.

Rosemary Sinclair: Perhaps if we could leave it with you, Berry, to just tidy that point up as long as you're clear on what we're suggesting?

Berry Cobb: Basically the recommended action is going to be to include online survey and/or an automated analysis of actual registrations and that the future review team would consider one or maybe both ways.

Rosemary Sinclair: Good. Thank you. So when you're ready, Berry, we can go to the next point. Bearing in mind that we're about 15 minutes to go and I want to just

make sure we comment on that point from Wendy Seltzer. So perhaps if we have a crack at the next point and then come back to Wendy's point and then that would leave us enough time to just strategize about how much work we've got to do and how much time we've got left. Thanks, Berry.

Berry Cobb: Okay Number 34 is also from INTA and they're comments from the metrics chart. Specifically they're looking at Page 9, Metric Number 2. "Registrar's Websites should clearly disclose gTLD benefits and restrictions and terms and conditions for each respective TLD they offer."

INTA also suggests that, "In addition to determining whether registry Websites clearly disclose benefits and restrictions of the particular registry there should be an empirical determination made whether such community-based Websites actually meet the proposed purpose of the registry."

"Only if they meet their proposed purposes by providing the disclosed benefits and registration should they be considered as increasing consumer choice. The ease of locating and accessing terms and conditions should be considered."

Rosemary Sinclair: Any comments on this point? Tobias, I think your hand is up from the last time?

Tobias Mahler: Oh sorry.

Rosemary Sinclair: Steve?

Steve DelBianco: Thanks, everyone. They bring up a good point in that we think - we thought it was enough to measure the intended (unintelligible) in the sense that some special purpose TLDs would have a restricted pool of registrants.

The only ones that can be held to it contractually are the community-based TLDs. Let me see if I can repeat that. If you're a standard TLD, what's the word...

((Crosstalk))

Steve DelBianco: ...community-based and there's...

Berry Cobb: Geographic and standard...

Steve DelBianco: Yes, standard okay. So if you're community-based then your registrant restrictions are an enforceable element of the contract with ICANN. If you are non-community-based (unintelligible) can propose that as part of your pitch to get the TLD. Once you won the TLD you can describe registrant restrictions on your Website. You can encourage the registrars who sell your TLD domain to do the same.

But ICANN cannot hold them as a contractual matter, an enforcement matter, to say that they keep changing their registrant restriction terms or they don't even honor them.

And in recognition of that it's a little bit of a hole. And I brought this up after the Business Constituency at every ICANN meeting for the last year. And the Board acknowledges every time, yes, that's a significant concern because the registrant restrictions could have been what was given to the government to get them to withdraw an objection.

Right, if I have a very controversial string, a government begins to do an early warning. I tell them no, no, no we're going to tightly restrain that. But if I'm not a geographical - if I'm not community-based ICANN can't enforce it.

Later on a government could raise hell and say you said you would restrict the applicants to those in the banking business and you're not. You violated

our letter. We're upset but we can't make it an ICANN contract compliance problem.

So unless that gets solved - and it probably isn't going to get solved - we do have a hole in here because we're simply assuming that if a TLD operator says that they have restrictions that's good enough to indicate some diversity.

So INTA is recommending that we add a measure, I guess, auditing whether the restrictions are in fact being enforced in the case of a non-community-based TLD. So I think this is worth considering. I'm not positive though that I would endorse it yet but it's worth considering adding a row on Page 9 that for non-community TLDs it would be useful to understand whether registry operators are enforcing their self proclaimed registrant restriction period.

And I would put that in for the purpose of our working group. Once Berry puts it in and adds the row...

Rosemary Sinclair: Yes.

Steve DelBianco: ...I think we as a group want to consider whether we want that in there or not. But INTA is accurate that there is a bit of a hole. Thanks.

Rosemary Sinclair: Thanks, Steve. And Jonathan is also supporting this.

Cheryl Langdon-Orr: Yes, fair enough.

Rosemary Sinclair: So I suggest we adopt Steve's way forward which is that Berry adds a row on Page 9 and the measures of transparency and clarity I guess is where we're putting it, Steve. And then...

Steve DelBianco: I would put it at the end. There's three of them in a row. There's...

Rosemary Sinclair: Yes.

((Crosstalk))

Steve DelBianco: ...clearly disclose. Registrars should disclose and they should be clear and understandable. You might add a fourth row under there for - along the lines of what I just discussed.

Rosemary Sinclair: Yes. Okay, are you clear on that, Berry?

Berry Cobb: Yes.

Rosemary Sinclair: Yes. Okay. So does that - so she - now just looking at 35 - perhaps if we just finish 35 then we're finished kind of a block of work I think. (Unintelligible). Let me read it.

"GTLD registry benefits and restrictions should be clear and understandable to registrants and users. Both plain language and clarity of benefits and restrictions should be measured and rated."

Okay so - and I think if I'm looking at the third measure on Page 9 I think we're doing that. We talk about a survey of registrants and users to assess clarity. Are there any thoughts on that particular comment from INTA?

Cheryl Langdon-Orr: Cheryl here. When we made the change to expand the earlier survey isn't that to some extent picking up on this issue if not totally picking up on this issue? My response to this, and maybe I've just had enough of my day to day already, but so if it's fuzzy thinking for heaven sake tell me.

Rosemary Sinclair: Yes.

Cheryl Langdon-Orr: But doesn't this really deserve a yes, noted loop back to our expansion of the survey, blah, blah, blah?

Rosemary Sinclair: Rosemary. I think that's right because the - we're talking about a survey of registrants and users which is a (unintelligible) our survey of consumers could...

Cheryl Langdon-Orr: Yes.

Rosemary Sinclair: ...assess clarity. So if we make it a point one of the things that we want that survey to do is assess clarity then I think we're there.

Cheryl Langdon-Orr: But also the benefits we discussed earlier as well as things like how much they, in inverted commas, trust it and all that sort of stuff, yes. And their experience and issues and...

((Crosstalk))

Rosemary Sinclair: Okay. Any other comments on that point? If not then, Berry, are you clear on our response?

Berry Cobb: Yes and basically it's just to take note to include the benefits and restrictions within the consumer choice survey.

Cheryl Langdon-Orr: Yes. Rosemary, can we get the next one done because to me this one's a no-brainer. But it might just be to me.

Rosemary Sinclair: Yes, okay let's have a crack at it.

Cheryl Langdon-Orr: Cheryl here. So my response is no, we're not in the business of trying to expand the scope of ICANN to look at the accuracy of things such as search engines. So, you know, to me it's a well thank you for your comment but it's out of scope.

Rosemary Sinclair: Any other thoughts on that one?

Steve DelBianco: This is Steve. Earlier in the conversation we did say that the survey of consumers would seek - we would recommend that that survey also assess whether consumers said that search engines were able to help them distinguish between...

Cheryl Langdon-Orr: That...

Steve DelBianco: ...Websites and different TLDs.

Rosemary Sinclair: Yes.

Cheryl Langdon-Orr: That's satisfaction not accuracy. That's a measure of consumer satisfaction with search engines; that's fine.

Steve DelBianco: You got it.

((Crosstalk))

Steve DelBianco: ...report confusion...

Cheryl Langdon-Orr: Yes.

Steve DelBianco: ...or would they report satisfaction.

Cheryl Langdon-Orr: Correct, yes.

((Crosstalk))

Steve DelBianco: Far be it for ICANN to be the one to arbit that. It's really users and they'll vote with their mouse.

Cheryl Langdon-Orr: Yes.

Steve DelBianco: The search engine that serves their interests best by giving them relevant results. Accurate does not...

Cheryl Langdon-Orr: Oh yes.

((Crosstalk))

Steve DelBianco: ...been a meaningful term. The relevant is and the market already will reward the search engine who's...

((Crosstalk))

Steve DelBianco: ...relevant.

Rosemary Sinclair: Okay. Berry, have you got that?

Berry Cobb: Yes basically no action and it's going to be covered within the survey of consumer choice.

Rosemary Sinclair: Good, okay. So I think we need to stop our work on the public comments. And in fact I'm going to change the order in which we're going to do things now says she arbitrarily.

Berry, would you mind just reminding us how much more work we've got to do reviewing public comments and how many meetings we've got to do that work before we need to be tying down where we're at ahead of Prague.

Berry Cobb: We have about 15 more consumer choice metrics to review and then we'll move into competition definition and the competition metrics. So that's a total of - and then a few general comments so we have a total of 73 and we just finished at 39 I believe or 35.

Cheryl Langdon-Orr: Well halfway - either halfway.

Rosemary Sinclair: And the number of calls we've got between now and when we need to be saying this is where we're at?

Berry Cobb: One.

Rosemary Sinclair: One. Okey doke so we're either going to have to be very efficient or call out that we're in the middle of this process and haven't quite finished. Is - any other way? I'm not sure that there's any other way of proceeding apart from doing what we can do and letting people know where we're up to.

Steve DelBianco: Well one alternative - I don't love it but is to have more calls.

Cheryl Langdon-Orr: Yes, I can't think of anything else.

Rosemary Sinclair: Yes, well I was wondering how the group would feel about at least scheduling one other call. Jonathan?

Jonathan Zuck: Yes, I don't know if this is possible but it could be that a little more work could be done in coming up with a taxonomy of types of questions. It seems like we're often answering questions by going back and referring to how we answered other questions.

And if we come up with some categories of discussions instead of going comment by comment try to really boil this down to the discussions we need to have and then have it apply across comments even if it leads to a 20% decrease in specificity or something this process might be more survivable.

Rosemary Sinclair: Okay so, Berry, would you mind just having one more look at the table to see whether there's any further consolidation that can be done in categories of comments? And...

Berry Cobb: Right. Well I tried that starting out and it was too much of a risk to lose context of actual comments stated. And I would - given the visibility of this I'd prefer that we go comment by comment.

The 12-June 2012 is just an internal date the working group established to try to get the advice letter back to the Council in terms of being able to stand in front of the Council at doing what we're planning to do now for Prague. But it's not the official delivery of the document or it's too late to actually officially deliver the final advice letter to be considered by the Council in Prague.

Rosemary Sinclair: Okay so...

Jonathan Zuck: This is Jonathan. Barring that...

Rosemary Sinclair: Okay, Jonathan.

((Crosstalk))

Rosemary Sinclair: Sorry, Jonathan?

Jonathan Zuck: Oh I was going to say just barring that - and again I haven't thought about this more than five minute but, I mean, are there some core principles. I mean, one of the, you know, one that just popped out that Cheryl came up with is not expanding, you know, ICANN's mandate, etcetera, come up with some categories of answers then that help to be guiding principles to how we're doing this. Again there's an amazing amount of overlap in terms of the conversations we're having at least between these...

((Crosstalk))

Rosemary Sinclair: Okay so I guess the (unintelligible) of that is that we need to try, at least, to be more efficient. And perhaps that will be possible now that we've worked our way through around about half the comments. We do seem to be

identifying a set of core issues in the comments and then more quickly, I think, getting to whether it's in ICANN's mandate or not, whether it can fit into the survey or not. So in terms of our responses I think we're getting a bit quicker on that.

So if all of us think about that and try to adopt that approach next time so the question now is do we want to schedule a call - are we thinking between now and the 12th or between the 12th and Prague?

Steve DelBianco: Rosemary, it's Steve. I mean, I put this in the...

((Crosstalk))

Steve DelBianco: ...but based on what we did today it would take three calls like this to finish.

Rosemary Sinclair: Yes.

Steve DelBianco: Three calls like this to finish so why don't we think in terms of three more calls at a reasonable interval.

Rosemary Sinclair: Yes.

Steve DelBianco: And if we do that the date would be what the date is.

Rosemary Sinclair: Okay.

Steve DelBianco: I mean, if you agree with the math - and, Berry, I'd look for your verification...

Berry Cobb: Yes.

Steve DelBianco: ...I mean, did we do roughly 12 today?

Rosemary Sinclair: I think we did.

Cheryl Langdon-Orr: Steve, a little more than 12. Cheryl here. Some are easier than others. And as we get through to the lighter list there's actually a few almost - well in my view - no brainers.

Rosemary Sinclair: Yes.

Cheryl Langdon-Orr: But if we go for three more calls then...

Rosemary Sinclair: Yes.

Cheryl Langdon-Orr: ...we're motivated to get the job done and I...

((Crosstalk))

Rosemary Sinclair: Yes.

Cheryl Langdon-Orr: And we can do it. And I'd be keen to...

Rosemary Sinclair: Yes.

Cheryl Langdon-Orr: ..., you know, go into Prague saying this bit is done...

Rosemary Sinclair: Yes.

Cheryl Langdon-Orr: ...even if it's just a matter of saying it standing up in our reporting session.

Rosemary Sinclair: Okay well perhaps if we could leave it to Berry to suggest some days for those calls spread at a reasonable interval?

Cheryl Langdon-Orr: Well can he work with Gisella please because Olivier and I our lives...

Rosemary Sinclair: Yes.

Cheryl Langdon-Orr: ...are now run by Gisella coming up to Prague and even during Prague. If I want to have lunch with a girlfriend Gisella organizes it.

Rosemary Sinclair: Oh okay well I'll give her a call.

((Crosstalk))

Cheryl Langdon-Orr: ...literally.

Rosemary Sinclair: I'll give her a call.

Cheryl Langdon-Orr: Yes well if you ask me to have lunch before Prague I would say check with Gisella.

Rosemary Sinclair: Okay, all right. Are you happy, Berry, to have a go at working with Gisella to come up with three dates? Jonathan, is your hand up because you want to make a comment on all of this?

Jonathan Zuck: No, I thought I had put it down. Sorry.

Rosemary Sinclair: Okay doke. Given that we're going to have some more calls my suggestion is we leave the Wendy Seltzer comment to the next call.

Cheryl Langdon-Orr: Yes, because I don't want to treat it lightly. We really...

Rosemary Sinclair: No.

((Crosstalk))

Rosemary Sinclair: No, no and I think it raises a very important issue which we...

Cheryl Langdon-Orr: Yes.

Rosemary Sinclair: ...probably address in the advice letter introduction I think.

((Crosstalk))

Rosemary Sinclair: All right well I - okay so I think - sorry, Berry, yes?

Berry Cobb: So, you know, we for sure have the 12th and I think we can easily do the 19th so now we've got to try to figure in a third date. I'm guessing that the 6th, 7th and 8th are probably too soon to accommodate to the bearing schedules so we'll target the 13th, 14th or 15th through a Doodle poll.

Rosemary Sinclair: Good.

Berry Cobb: And so we'll have the 12th and then a second meeting that week and then try to...

Rosemary Sinclair: Yes.

Berry Cobb: ...close on the 19th.

Cheryl Langdon-Orr: Yes.

Rosemary Sinclair: I think that's very wise thinking, Berry, thank you.

Berry Cobb: Thank you.

Rosemary Sinclair: Okay anything else quickly? No. Okay everybody we'll get together on the 12th.

Cheryl Langdon-Orr: Bye all. And, Steve, I'm just changing all my passwords now to your name so don't worry about it.

Rosemary Sinclair: We could all hang up and leave you two to it. Bye.

((Crosstalk))

END