Consumer Metrics Project Discussion

TRANSCRIPTION

Wednesday 10 August 2011 at 2000 UTC

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Consumer Metrics Project Discussion meeting on Wed. 10 August 2011 at 2000UTC

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On page :
http://gnso.icann.org/calendar/#aug
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Steve delBianco - CBUC
Olivier Crepin Leblond – ALAC
Cheryl Langdon-Orr - ALAC

ICANN Staff:
Liz Gasster
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Margie Milam
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Apologies
Carlos Aguirre - NCA

Coordinator: Excuse me. This is the operator. I'd like to inform parties that the conference is now being recorded. If you have any objections, please disconnect. Ma'am you may begin.

Glen DeSaintgery: Thank you very much. Good morning, good afternoon, good evening everyone. This is the CII call on the 10th of August. That is the Consumer Project Drafting Team. And on the call we have Cheryl Langdon-Orr, Rosemary Sinclair, Steve DelBianco and Olivier Crepin-LeBlond.

For staff we have Margie Milam, Liz Gasster, Brian Peck, Michael Salazar and myself, Glen DeSaintgery. Over to you Rosemary. And we are trying to get hold of Carlos Aguirre but perhaps he'll join later. And I have not apologies. Has anybody else apologies for the call?

Woman: No.

Glen DeSaintgery: May I ask you to say your name before you speak for transcription purposes? Thank you very much. And over to you Rosemary.

Rosemary Sinclair: Thanks Glen. So if we - we've got our proposed agenda. I think we've done our roll call. So we can get on to discussion of the draft letter. I don't know if we've got that in the Adobe Connect room but I sent the letter to Stephane in the - let me see if I can pull it up.

Steve DelBianco: Yeah. There it is.

Rosemary Sinclair: Oh great. Let me get back to the Adobe Connect room. There we go. Oh, now I've lost the letter I think. Cannot - oh, there we go. Yes. So that - this is the letter that I sent to Stephane.

Steve DelBianco: Rosemary before we get into any problems the letter may have encountered, I wanted to say I thought it was an imminently reasonable letter. It expressed exactly what all of this on this call had talked about. And whatever it's outcome, thank you for taking the lead on that because it was exactly what we all needed.

Cheryl Langdon-Orr: Here, here.

Rosemary Sinclair: Thanks for that. And look, I don't know that - I don't really know that there were huge problems with it. Although Stephane has sent the letter to the GNSO Council asking people how they feel about the letter being sent to ccNSO and GAC.

And the people who have concerns about cross community working groups have come back and said that whilst that work is under way in GNSO they are uncomfortable about this letter going out.

We've not come to a conclusion about that in GNSO and I've pointed out to Stephane that a number of other GNSO Councilors were engaged in this work. So I've got to go back and just encourage those Councilors to let Stephane know that they would support this letter going out.

In the meantime, I've had some correspondence from Leslie Cowley at the ccNSO and I think I sent that to you Margie. Did I do that? No. But Leslie has in fact suggested - she makes two points. She says firstly that the ccNSO hasn't done any work on consumer metrics as a group and that they would likely see that as out of scope for the policy.

But she makes the point that individual ccTLDs may well have experienced that they're happy to share with us.

Woman: Yes.

Rosemary Sinclair: And that she likes Stephane's suggestion of a knowledge sharing discussion and asks that we schedule what she then calls a cross constituency meeting on the topic in Senegal.

Leslie is reacting I think too a letter from a couple of months ago when I was trying to encourage ccNSO and GAC to engage in the workshop we had in Singapore.

Woman: (Unintelligible).

Rosemary Sinclair: So I was just reaching out to them informally. So we've got funny circumstance of cross communication going on. And I - it's - I don't know how to proceed because I know that there are a couple of ccNSOs who may have a contribution to make to our group. They may not want to be part of the ongoing discussion.

But for example, the nominate folks do an annual survey of - and I'm not sure whether it's consumers or registrants. But they go out and seek feedback on a range of topics. And the (outer) people also are very mindful of consumer feedback.

So perhaps if I stop and just take comments and feedback on where we're up to with this letter. There we are. Thanks. Are there any comments from anybody? Now I've got to go back and see if there are any hands. No.

My own thought is that we just proceed with our work. The next step is the motion going to GNSO Council I think it's the 9th of September that meeting is on.

Steve DelBianco: Rosemary, question.

Glen DeSaintgery: Sorry. It's on the 8th of September. It's 9th of September for you Rosemary. Sorry, sorry.

Rosemary Sinclair: Thanks Glen. Steve.

Steve DelBianco: Thank you Rosemary. I was reading some of the correspondence from Tim Ruiz and Stephane and trying to understand if the objection is in process, which is the substance of our letter. Because I get hints of - there's some reticence from Councilors Tim I guess because of process and Stephane echoed the notion that should (unintelligible).

So this letter indicated that we are launching a cross community discussion at a time when we haven't figured out the rules. That sounds to me like a completely process driving concern.

And then separately both Tim and Stephane have said things like the substance of the letter shouldn't it go to Council before the Chair of Council sends such a letter. And that sounds like it's a substantive look. And I believe that anyway there could be substantive objection to the letter because you're pretty much quoting it from a Board resolution and taking an effort to be inclusive and trying to generate an appropriate response.

So that would seem to me that the only objective that we're really worried about is a process objection because this might run in parallel with an ongoing discussion on cross community working groups. And if all that is a fair reading on things, what is it we expect to happen on the September 8/9 Council call? How can we prepare for that and get past the process lock to some substantive progress?

Rosemary Sinclair: Rosemary here. I think your understanding is right. I think that the concern is a process one. Whilst Jonathan Robinson is leading some work to outline the process relating to cross constituency working groups, Stephane and Tim reflecting nervousness that we seem to have another one of these under foot before we've worked out what the rules are.

The difficulty for me with all of that is that - and I of course am looking at our group as not part of a formal policy development process, which is outlined very clearly in GNSO policy procedures manual. So we're not one of those things. So I don't think all of that applies to us. And therefore I don't think the concerns about cross constituency working groups applies to us.

My other concern is that if we take this position to its extreme, will it mean that if GNSO starts some work it would never - that work would never be open to the community because as soon as anyone else joins we've got something called a cross constituency something or another and we don't like those things. So I just see this as an untenable position to be taking.

And in answer to your question what we do ahead of the Council meeting is I think that members of this group need to reach out to their

relevant Councilors and make those points. And I'll be going back to Stephane to make those points.

Steve DelBianco: I'll make sure that John Berard and I at the Business Constituency are with us. I mean John's really involved in this project and John Berard's one who doesn't have a lot of patience for bureaucracy...

Rosemary Sinclair: Yeah.

Steve DelBianco: ...as you probably know. So it's frustrating that we can't proceed. Because remember that when the Board resolution asked for advice and it didn't insist upon advice from all four groups together...

Rosemary Sinclair: No.

Steve DelBianco: ...and it didn't insist on it from all four groups separately and independently. It just named all four groups leaving it to us to decide if we want to come back with a single piece of advice...

Rosemary Sinclair: Yes.

Steve DelBianco: ...start down a single path and have individual approval or just do four completely independent processes.

Rosemary Sinclair: Yeah.

Steve DelBianco: And I'd be shocked if Council would get in the way of continued progress on this. But then again I've been shocked by Council before. I mean it's...

Rosemary Sinclair: Well...

Steve DelBianco: ...who do think - I mean should I talk to Tim Ruiz? Should we have personal outreach to try to get some indulgence from Tim?

Rosemary Sinclair: Sure. Sure. We can do that. And I certainly will be doing that. But I don't see that all that noise should stop our discussions proceeding.

Steve DelBianco: Well I see your point.

Rosemary Sinclair: I just think, you know, it's just - it's really just not common sense in terms of what ICANN is. ICANN's supposed to be an open community bottom up. You know, if a group of people come together and talk about an idea, you know, the whole philosophy of dialog at ICANN is supposed to support this very approach. So my suggestion is that we just proceed.

Steve DelBianco: Okay. And worst case if when we proceed and we never get the blessing from GNSO, then who knows? Cheryl takes what she wants from this discussion and carries it into ALAC. We take what we can from the joint work. We carry it into the GNSO. And maybe it'll end up that the ALAC and GNSO advice to the Board will end up looking a lot alike.

Rosemary Sinclair: It may well be and for me I don't see any reason why the work should not be made available publicly somewhere...

Steve DelBianco: Agreed.

Rosemary Sinclair: ...so that other people, GAC and ccNSO and anybody else who wants to have a look at it. So I - it's probably a heresy Steve but I just don't think that we should let all that process stuff get in the way of our discussion about what is an incredibly important topic.

And I suppose my own concern with that emphasis on process means that the incredibly important work that ICANN needs to do to demonstrate to a whole bunch of people that it really seriously takes account of consumer interest, consumer trust, choice, public interest, those words that are littered through the affirmation of commitments.

ICANN needs to really walk the talk on that - those matters. And this is the one piece of work I believe that is doing that. So it's very important that it continue even if other people aren't on side about the process at the moment.

Are there any views from the staff people on the call about all of this?

Margie Milam: It's Margie Rosemary. No I think - I mean I agree with your assessment as a - the state of affairs with the Council. So I mean don't disagree with anything you said.

Cheryl Langdon-Orr: Rosemary, Cheryl here. I've got...

Rosemary Sinclair: Yes.

Cheryl Langdon-Orr: ...my hand sticking up.

Rosemary Sinclair: Oh sorry Cheryl. I can't see that. Sorry about that.

Cheryl Langdon-Orr: Well there might be some limitations in the - possibly because you're not - you're only a participant and so the host will be getting the notices, not you. Maybe...

Rosemary Sinclair: Okay.

Cheryl Langdon-Orr: ...you need to be upgraded to a presenter if not a host. And then you'd see things like hands waving at you flash across your screen. Okay Cheryl Langdon-Orr for the transcript record.

Just wanted to sort of allay some of the fear that - well the concern, not fear. The part of what Rosemary said. Because from my absolutely bias and I supposed bloody-minded perspective and I guess some of your are used to that from me.

Whilst the new GNSO working group model remains open to participants, we who are keen on the ICANN modest I called model actually working in a bottom on consensus driven way, we'll do our very best, and I suspect Olivier may echo me here in a moment, to ensure that silos do not operate in silos where they are best not operating in silos. And something as important as this matter clearly is in that space.

Steve, to your point, I would be delighted to think that there may be a great deal of similarity between what the outcomes are from any several contributions let alone any other joint contributions on this topic. That is one of the benefits of having paper littering each other's workgroups and that's why I think it's a very good thing that the current GNSO work group model allows exactly that.

So I'm all for the let's get on with the job and keep on keeping on. And that said is my declaration to what I would consider friends and colleagues in this workgroup form the wonderful world of GNSO, note I did say GNSO, not GNSO Council.

It's my intention should I be deemed appropriate as I move to the end of my term of office in the ALAC at the Dakar meeting to make an application to join the non-Commercial Stakeholders Group as an individual member. So I trust some of you will not find that a maladaptive or unwelcome move. But we need to get this right. And hopefully I might be able to contribute.

Okay. That's it for me. Thank you very much.

Rosemary Sinclair: Thanks Cheryl. Are there any other comments on this matter of process?

Olivier Crepin-LeBlond: Rosemary. It's Olivier.

Rosemary Sinclair: Yes Olivier.

Olivier Crepin-LeBlond: Thank you Rosemary. Olivier Crepin-LeBlond for the transcript record. I just wanted to echo your sentiments Rosemary with regards to the process issues and to also echo what Cheryl has just said with regards to the ALAC.

As we have found in the past, working in silos has been very detrimental to the way that ICANN as a whole has worked. And we do our utmost best to break those silos down one way or other. And I'm sorry if that will annoy some people who prefer to work in silos.

But we have seen that the only way that we've managed to unblock the situation with regards to the new gTLDs was to break the silos down and for people across the community to talk to each other.

And with the specifics out I think it is certainly so important that it will require cross community work whether official, whether non-official, whether those links are made through charters or whether it is individuals talking to each other, I think that we need to make sure that everyone is on the same converse.

I'm not going to comment on the GNSO Council's decision or views or discussions. I don't think it's my place to do such a thing. And the only thing I would say though is that the community is watching.

Rosemary Sinclair: Yes.

Olivier Crepin-LeBlond: So that's it. Thank you.

Rosemary Sinclair: Thank you Olivier. Okay. With that out of the way, we'll get back to our definitions. And my recollection was that we were going to talk about consumer trust on this call. Yeah.

Cheryl Langdon-Orr: All about trust today.

Rosemary Sinclair: All about trust. All about trust. I wonder Margie if you could put up the - that very useful table that you've drawn for us on the definitions. It compares the Business Constituency with the ones that Wendy Seltzer has put forward. There we go. Yes with the notes.

So could we go to the section on consumer trust?

Margie Milam: Rosemary, it's Margie. Consumer trust I think is on Page 2 and I've set it so that you guys can scroll through the document yourself so that...

Rosemary Sinclair: That you Margie.

Margie Milam: ...(unintelligible) the document.

Rosemary Sinclair: Right. Except if you're using your iPad.

Cheryl Langdon-Orr: You want to use your finger.

Rosemary Sinclair: Yes. Here, maybe I'll use this arrow. No. Oh yes. Sorry about that everybody.

Cheryl Langdon-Orr: Be kind to our leader. She's using new technology.

Rosemary Sinclair: That's right. And now that I can see this, I can't see anything else. Never mind. Okay. Steve, I wonder if you could take us through your definition of consumer trust. And then we can compare that with Wendy's and get our discussion going.

Steve DelBianco: Right above there is the definition of consumer and I wanted to note that when the BC put it in, we didn't think the consumer was just Internet user but also a registrant, a domain name registrant. Okay. So there's two kinds. There's non-contract parties who register domain names and there's the people that use the Internet.

So the definition of trust that the BC put forward was the perceived integrity of domain name registration such that users have confidence that a domain name is held to the advertised purpose and standards of the TLD operator of ICANN and of relevant law.

And the key to that is that certain TLDs are being proposed with a value proposition to the community about how they will differentiate or how they will specifically restrict who can get a domain name, how they might actually police the space in a way to deliver value to registrants and then the users.

So the degree to which applicants live up to those promises will be a large measure of whether consumers can perceive that they trust that. So that if .bank is a new gTLD and .bank is trying to solve a lot of the problems we have with fraud and phishing on online banking, then consumer trust will be to measure that within a few months of its launch that people trust visiting their domain name .bank more than they used to trust bank name .com.

That would be a huge success. And I know it's not quite innovation but it would be a huge success for the new gTLD program if were able to deliver something like that. Thank you.

Rosemary Sinclair: Okay. Are there any comments from anyone? Let me see.

Olivier Crepin-LeBlond: Rosemary, may I ask a question?

Rosemary Sinclair: Yes Olivier.

Olivier Crepin-LeBlond: Thank you Rosemary. Olivier for the transcript. Steve, the - you mentioned her the confidence that a domain name is held to the advertised purpose standards of the TLD operator, ICANN and relevant law. Does this take into account the possibility of the purpose and standards of the TLD operator, ICANN and relevant law being different? Or is that - does it really not matter?

And I'm not a lawyer so that's why I'm asking you the question if you do know.

Steve DelBianco: Yeah. What if they are different? That's a great question Olivier. I suppose that if .bank has certain standards that it couldn't enforce in a given country, well then the relevant law of that country would clash with the contract that the .bank operator had signed with ICANN.

So there will be conflicts like that. And I think we should just have to realize that sometimes there will be. We can't always ensure that a contract between ICANN and an operator will always be, you know, be applicable in every single regime.

And if it were the case Olivier, don't you think we can still seek to measure whether registrants and users perceive that there's a greater amount of integrity than there was before the contract came into place?

Now I hate to just compare a .bank to the bank.com example. I wish I could come up with a more compelling example. And a lot of it depends on how many new TLD applicants are going to say that we're special purpose.

If the .bike TLD is really all about legitimate bicycle sellers and will do their best to make sure no counterfeiting equipment is sold on .bike, that's be a value proposition that I as a bicycle lover, I would welcome that because when I look at bicycle parts in the search engine and see a lot of Web sites, I have no idea if I'm getting authentic parts.

So that's - isn't that an example of getting - the example of trust. And maybe examples will tell the tale more than just the pros that shows up in a definition.

Olivier Crepin-LeBlond: No, it sounds fine. Sounds fine. Thanks.

Cheryl Langdon-Orr: Cheryl here Rosemary.

Rosemary Sinclair: Yes Cheryl.

Cheryl Langdon-Orr: Thank you. Again Cheryl Langdon-Orr for the transcript record. Hundred percent behind you on this Steve. And I think this is always where we're probably going to end up drawing one of those incredibly predictable circle touching circle overlapping somewhere with yet another circle diagrams at some point in our not too distant future. Because of course the ability for this measurement, which I think is a very worthy precision, we should try and do it or suggest it be done.

Does depend on the choices that our consumers, and I again also agree with consumers being inclusive of registrants here, being made on accurate information and where for example in the example you just gave should there be a variance between the standards of, you know,

the barrel of apples, this is the barrel of oranges we're trying to compare.

Then one of the critical control points for a decision maker, let alone a metrics measurer, would be how well does - if the audience is making the decision between those two choices understand what those choices mean.

So I think this sort of wider definition and set of measures is an excellent way forward. And what I'm a little concerned about I suppose is how we captured, you know, in a predictable and planned way pre and post new gTLDs going into the roof. Thank you.

Steve DelBianco: May I add something Rosemary?

Rosemary Sinclair: Steve yes.

Steve DelBianco: Yeah. Given that ICANN does what it does as a regulator through contracts - policy and contracts, we tried to work into this definition when we say the words that they're detailed to the advertised purpose and standards, that's really all about ICANN enforcing the registry contract in cases where the registry contract promised to be I want to use the word restrictive but selective - promise to be selective about registrants permitted in the second level.

And some of these may go further to say that they're going to deliver certain benefits to the community that would use that TLD. And when we read their contracts and proposals we're going to see benefits that have to do with the word consumer trust.

And when we do, we would turn around a year later because when this will be conducted - we will turn around a year later and ask ICANN do the operators of .bike and .bank - have they been living up to this. Show us the evidence of compliance. And maybe we also commission a survey pretending the five or six of us are all on the review team - the affirmation review team one year after the domain names are up.

We might spend some of ICANN's money on a survey - consumer survey assessing whether registrants and end users do perceive more trust. And we'd have evidence to go back and say looks like this new gTLD did generate higher levels of trust by the virtue of certain contracts, advertised purpose and standards that were being upheld by the operators. That would be a success story to tell.

Wendy's definition on the other hand considers trust to be only trust and stability and consistency. This is the one that she has the 3.2 and that is not untrue. I mean consumers do trust - well, they rely upon ICANN to ensure the stability and consistency of the domain name resolution. And that's true.

But that is not what trust is about. I believe trust is a level higher than that. And when they wrote the affirmation of commitment, the word consumer trust gets in there because of the concern over fraud, deception that occurs on the Internet. I'm not - am I alone in that thought?

Cheryl Langdon-Orr: No.

Rosemary Sinclair: No. No I don't think you're alone. But I think there is an interesting discussion about what role ICANN has in dealing with possibility of fraud. And what role ICANN has in mitigating those possibilities.

Cheryl Langdon-Orr: Hang on. Hang on. Hang on. Hang on Rosemary. Cheryl here. I'm a little less worried about that because there are for which you need water into the ecosystem. ICANN can validly current strategic planning have a role to play. But that's actually different to its requirement to measure the affect on these issues pre and post new gTLD round.

Rosemary Sinclair: Yeah. Yeah. No, where I was going with that is that I like the way Steve is framing this discussion around the registry contract and keep TLD operators commitments, statements to their customers. And when I say - well, it seems to me that those things are very much within ICANN's purview.

Cheryl Langdon-Orr: Yeah.

Rosemary Sinclair: If I go say to the very broad discussion about spam reducing confidence in the Internet and I start thinking okay, well what can ICANN do about that, that's when I think I'm in a different ballpark and probably a ballpark that's too hard.

So I'm not trying to talk out of any responsibility Cheryl for consumer trust in the way you've described. I'm only just thinking okay, what are the tools that ICANN has got to play with in making a contribution to increase levels of trust.

And I'm also very mindful as Steve keeps reminding us that this whole work is in the context of the new gTLDs and the concerns that we're around about those. And that seems to me to frame our discussion.

The other point that I wanted to just raise is about this relevant law. And I wonder whether that is just going to make the discussions very difficult in the way that the Rec6 discussion became very difficult when we were trying to figure out those principles of public morality and so on with reference to international legal treaties.

So did - perhaps Steve if I can just tease out what you were really thinking about with relevant law. Is it - well, when I read it I thought well that could be in Australia. For example, there's a competition in consumer legislation. And in there is provisions about false and misleading advertising.

Steve DelBianco: Yes.

Rosemary Sinclair: And I was just thinking well is that the sort of thing that you're meaning.

Steve DelBianco: Here's where that came in. Can you hear me?

Rosemary Sinclair: Yeah. Yes I can.

Steve DelBianco: Okay. And Philip Sheppard did a lot of the work on this. But there's enforcing a contract which you've discussed. And then there's measuring of perceived amount of trust.

Rosemary Sinclair: Yeah.

Steve DelBianco: And relevant law comes in in that is there a perceived - is there a measurement we can do as to the number of violations of applicable law that occur in domains in a new TLD...

Rosemary Sinclair: Yeah.

Steve DelBianco: ...versus domains in an old TLD. So that is a statistical compilation of number of violations of UDRP, URS proceedings that are happening in a new TLD versus an old, .bank versus .com, .bike versus .com. It might be the number of times we see violations of law for fraud because UDRP and URS are something different but what about fraud in criminal behavior.

A violation of their contract by virtue of selling a name to somebody who is not entitled to have it, well that's not a crime. That's just a contract violation.

Rosemary Sinclair: Yeah.

Steve DelBianco: So there's three categories of violation; contracts, applicable law - relevant law; and ICANN's own proceedings like UDRP and URS.

Rosemary Sinclair: Right.

Steve DelBianco: And I don't want to excuse ICANN from doing things about fraud because the registration abuse policies or the RAP does have certain measures that we will end up recommending that...

Rosemary Sinclair: Yeah.

Steve DelBianco: ...contract parties have to take care of. But of course if a contract
                  party is responsible, ICANN is responsible for enforcing the contract
                  with the contract party. So it's still going to come down to two things.
                  Has ICANN been enforcing the contracts that it has...

Rosemary Sinclair: Yeah.

Steve DelBianco: ...and the policy. So say enforcing contracts and policies. We ought
                  to put it that way so it's broader.

Rosemary Sinclair: Yeah.

Steve DelBianco: That way it's going to encompass the RAP work. So enforcing
                  contracts and policies and measuring the perceived trust on behalf of
                  registrants and end users.

                  A lot of banks are going to - are going to pick up shop and reregister in
                  .bank and one year later it'll be critical to see whether they're pleased
                  with the process.

                  Are they happier now? Do they see less fraud? Are the consumers
                  more trusting? And it's not everybody's going to say why did you do
                  this because we're spending a lot of money on defensive registration
                  and we've turned ICANN upside down. And some of the benefits we
                  promise in the way of consumer trust are still not being delivered.

                  That doesn't mean you unwind everything and start over. No, it just
                  means that we come out - the review team comes out with

recommendations that says that here's an old element of enforcement that ICANN's not doing. And we ask them to step it up. Thank you.

Rosemary Sinclair: Good. Okay. Any other comments on that? And I'm sorry that I can't see hands up. So if there are if people would just speak up.

Olivier Crepin-LeBlond: Rosemary, it's Olivier.

Rosemary Sinclair: Yes Olivier.

Olivier Crepin-LeBlond: Thank you Rosemary. Olivier Crepin-LeBlond or the transcript. I was going to just say that the early part of - or specifically the early part of what Steve has spoken about the measuring of the trust and the new gTLDs compared to the existing gTLDs and all of the (assets here) that possible measurements or metrics is something which is absolute music to my ears.

And I suppose it probably would be music to the ears of quite a few Internet users out there. It's something which there isn't much of at the moment. And it certainly is something which I think you should be aware Steve, and you probably are, there might be considerable opposition too in some corners of ICANN. That said, it's something which needs to be done. So yeah, I think we're all in sync. Thank you.

Steve DelBianco: May I ask Michael Salazar, are you - if you're on a voice call too, I'd really love to hear more of your thoughts about the challenges we'll face educating people, picking up on what Olivier just said. That we could end up encountering confusion but Olivier says even opposition if we were to advance the definition of consumer trust that implied that

the new gTLDs have to actually deliver a better amount of perceived trust than the existing.

Michael Salazar: Yes, you know, I'm not sure - this is Michael - sorry. I'm not sure how to necessarily answer that. I think part of the - what I'm - I've got a very narrow view of the education here. But in some of the chat that we have going on, you know, Wendy's definition seems reasonable although I get what you're saying (unintelligible).

My thought was to combine the two. Cheryl made a good point about, you know, the Internet users are always going to be a challenge. But I thought if we narrowed that down to who would we want to educate on what we're saying consumer trust is.

Is it - what organizations really are going to be paying attention to this? Because it's not the everyday Internet user but it is certainly governments and other organizations who are going to be paying attention to this and the definition needs to be put in a way that they'll understand what we're trying to achieve and to some extent what ICANN is doing.

Steve DelBianco: Well it'll be music to their ears to use Olivier's phrase. It'll be music to...

Michael Salazar: Yeah.

Steve DelBianco: ...governments' ears if we talk about enforcing contracts and policies.

Rosemary Sinclair: Oh yes.

Steve DelBianco: And if we talk about measuring the actual incidents of fraud, violations of URS and UDRP and contract breaches. That'll be music to the ears of governments. I realize that some contract parties might like it very much but I think that this is all about determining whether ICANN contracts can deliver value to the global public interest, not just in the contract parties.

Michael Salazar: Yeah. So I don't disagree with that. I'm wondering what kind of challenges we'll have with that but I think the first part of this is get to the definition.

Rosemary Sinclair: Rosemary here. And it's important to just remember that that board resolution asks for work on the definition and the measures and the methodology and then talks about goals over three years.

And it's just - it strikes me that when we get to the methodology that's where we ought to have a discussion about ICANN's contracts and policies and compliance procedures and if you like the range of tools that are available to ascertain whether people are doing what they're supposed to be doing and then it might be useful if we just capture the range of responses available to ICANN in cases where people aren't doing what they're supposed to be doing without getting too much further down that path really.

It's just if we can put all this in one place for consumers to feel confident and that they have choice and so on and so forth, these are the things to look for. The measures of those things are, you know, numbers of applications or numbers of compliance or whatever they

are. And then ICANN's response toolkit, if you like, is contracts, policies, the ombudsman, et cetera, et cetera.

So if we could somehow just capture that big picture, then I think a number of things that we've been mentioning today actually come together, you know, really sensible approach from an ICANN point of view to ensuring that we've got choice, competition and consumer trust measurable a year after the instruction of the new gTLDs.

Olivier Crepin-LeBlond: May I - Olivier here. I'll wait.

Rosemary Sinclair: Steve. I'm sorry; I just can't see the hands. So was it Steve wanting to speak next and then...

Steve DelBianco: Olivier was up first.

Rosemary Sinclair: Okay. Thank you. Olivier.

Olivier Crepin-LeBlond: Thank you Steve. Thank you Rosemary. Olivier here. I was just going to mention reading Wendy's definition of consumer trust. It strikes me as being something of a purely technical nature. The stability and consistency of domain name resolution is already something that is going to be tackled by the DSSA, the DNS Stability and Security Analysis Working Group.

And I just wonder whether we're not doing double work here. I would say that 3.2, Wendy's definition is a subset of the BC's definition and very small subset, that is since we're just dealing with the technical side. So I - that's what I have to say. Thank you.

Rosemary Sinclair: And Olivier, did I understand you to say then that the DNS SAC is actually looking at measures for the technical matters?

Olivier Crepin-LeBlond: The DSSA, delta sierra sierra alpha...

Rosemary Sinclair: Yeah.

Olivier Crepin-LeBlond: ...is the DNS Security and Stability Analysis Working Group. And that is a very large working group actually that will incorporate some of the major contracted parties out there and DNS operators and find out if the DNS is - and the Internet is indeed on the verge of collapse of whether it is not the case and how close is it to - how stable is it and how consistent is it with its technical standards. That's...

Cheryl Langdon-Orr: And just to jump in after Olivier. It is all about metrics. That group is all about measurable.

Olivier Crepin-LeBlond: Measurable. So it might be more suited to deal with what Wendy is describing than the group that we are in at the moment. Thank you.

Rosemary Sinclair: And I think that...

Steve DelBianco: Rosemary, I've got my hand up.

Rosemary Sinclair: Yes Steve, go.

Steve DelBianco: Wendy's suggested 3.2 is almost an assumption. It's a given with respect to everything ICANN does. And it's not specifically applicable to the new gTLD program. Now having said that, if it'll help keep the

family together, I'll bet we could easily fold in the words stability and consistency of resolution and pull that in to what we're working on in the way of trust.

And if Wendy would see kindly towards that, I would fully embrace that. But I don't want to lose the element of having a chance to have ICANN start to pay attention to trust. And to beef that up, I pasted into the chat from the affirmation of - I pasted in there what the review has to look at the year after new gTLDs have been in operation.

Cheryl Langdon-Orr: Yeah.

Steve DelBianco: It confirms the affirmation. It says ICANN will organize a review to examine the extent to which the expansion of gTLDs has promoted competition, consumer trust and choice. And it goes on to test some other things but the first and primary thing that review team has to look at is wow, a year later we've expanded gTLDs, how have we - to what extent have we promoted competition, consumer trust and choice?

So it looks the say that what was the state of consumer trust before and then a year later with all these new TLDs have we improved the state of consumer trust? And we're trying to measure that in terms of what to people perceive.

And it doesn't necessarily take an education of all consumers to Michael's point. We don't have to do an education campaign before the new gTLDs launch because I believe that is what the gTLD applicants will do in order to attract registrants to buy a name from them and to attract users to type that in. You see they're the ones who'll be education people about why .bank is better than bank.com.

Rosemary Sinclair: Yeah.

Steve DelBianco: Now at the end of that year we're going to measure wow, how things turned out but we're not going to let ICANN as an organization off the hook by just doing a survey. We're going to take a look at ICANN's internal mechanisms to see whether they have been holding the companies to their contracts and enforcing policies because that's an opportunity to say that consumer may not perceive everything.

Sometimes surveys don't give you a very reliable and, you know, hard results. It's also necessary to take a look at the contracts themselves and say have they been following the promises they made when they pitched this new TLD. Thank you.

Rosemary Sinclair: I think - Rosemary her. I think it's so important to keep going back to what that review request is and the significance of it from my point of view has always been that it's pulling in the element of consumers - consumer trust, consumer choice into this work of assessing the outcomes of the new gTLDs.

So it's saying to us that you can't make that assessment simply using supply site metrics or technical approaches. You've got to take it out of what consumers are thinking.

Now has anybody else got their hand up to make a comment?

Cheryl Langdon-Orr: Rosemary, Cheryl here. I haven't got my hand up because I figured jumping in seems to be the system that works at the moment.

That we might use our - we might use our hands just for us to sort of for mortally queues when it gets too exciting out here in the edges.

This is one of those calls which reminds me why I stay up at midnight, 3:00 am and get up after all of that terrific (unintelligible) meeting. You are all an absolute joy to work with.

And what I'm hearing I'm going to suggest we need to grab some of the words from the transcript of this call and start putting it into a sort of a thumbnail sketch of the very, very beginnings of perhaps some words to go into some outcomes because I'm hearing language that I would be happy to hear in a first pass on a draft outcome from a workgroup right here, right now in this call.

So I just would be really keen to make sure we capture so many of the words of wisdom that is being bantered around here and then obviously get them out to the wider workgroup participants and the wider GNSO for all the necessary interactions, interrogatories and interventions and interference that it requires.

Rosemary Sinclair: Just to that point, Margie, would it be possible for you to do on this topic of consumer trust what you did on competition which is as I read it go through the transcript and pull out the really important statements or thoughts and capture them in the notes column? And then - sorry.

Margie Milam: Yes Rosemary. Actually now that I've put together this document - it's in a Word - in an Excel spreadsheet. I'm taking notes as you guys speak to try to (unintelligible). So I think what I'll do after this call is distribute it all and then at least it'll give others a flavor of what, you know, what was discussed in a very - in a summary format.

Rosemary Sinclair: Okay. And then I - we can put it on our - in our confluence area. But I'd be happy to - if everybody else is happy about this in the - we do an updated GNSO Council on progress with pending issues. And I'd be happy to just let people know that that work is available for those who are interested to have a look at it.

Cheryl Langdon-Orr: Works for me.

Rosemary Sinclair: Because I also think it's a, you know, very important useful discussion and we may be able to get some other contributions when, you know, people see the kind of approach. But...

Cheryl Langdon-Orr: Yeah.

Rosemary Sinclair: ...I don't want to do that if others are on the group are not happy with me to do that. Okay. Well let's just take the next step and see Margie's work and then we can just confirm what we want to do with the document. But I very much agree with Cheryl and Steve and Olivier of course that I think we're kind of coming out of the fog a bit now and starting - I certainly can see that the elements of a framework starting to emerge.

And I'm also feeling comfortable about the balance between ICANN land and consumer perception and they're two different worlds I think.

((Crosstalk))

Cheryl Langdon-Orr: ...Rosemary. They're the other side of the known universe in a multi verse model.

Rosemary Sinclair: Cheryl, I'm trying to use inclusive language. Back to Steve's point about inclusive positive language, I think it would be great Steve if you could have a go at combining those two definitions, Wendy's and yours. The issue for me is that I see so clearly a distinction between Wendy's set of definitions coming from a supply side perspective, which Olivier called this out earlier being very focused on ICANN technical matters.

Whereas I see the definitions from the Business Constituency being very usefully from the demand side, you know, what do the consumers think about all of this. But of course we've got to come up with definitions that work for everybody and then can be measured and managed and so on into the future.

Steve DelBianco: Rosemary, Steve here.

Rosemary Sinclair: Yes Steve.

Steve DelBianco: I will take that on. I will happily combine but I'll do so knowing that I really think Wendy Seltzer's preference would have been to have her limited definition on stability and consistency and resolution instead of a definition that's called upon enforcement of contracts for measuring a perceived trust.

I don't believe that Wendy - and I hope I'm wrong but I don't believe that Wendy wants the affirmation review to take a look at things that are as expansive. She's very concerned about mission creed of ICANN as all of us are.

Rosemary Sinclair: Yeah.

Steve DelBianco: As all of us are. So that's why we're trying to couch this in terms of things that ICANN already does; that is, it enforces contracts and policies. And look at this folks. If we go out and measure the perceived trust and consumers don't trust .bank and .bike anymore than before and fraud is all up, that doesn't reflect entirely badly on things that ICANN did wrong.

It may be that the applicants themselves were banking on defensive registrations to pay the bills. And it may be that three's not a real value proposition in .bike over bicycle.com. If that turns out to be the case, those business models won't succeed. And we're just going to have to roll the dice and see what happens.

But along the way the affirmation says we're going to measure a year later to see whether we delivered on trust, consumer choice and competition. So I will combine the definitions. I'm managing expectations that Wendy may not have wanted a but also but a but instead of.

And let me say that consumer trust is the easiest of the definition because in my opinion choice and competition are very close to each other and it's a challenge to come up with a separate set of definitions and metrics for consumer choice and competition because they're so similar. And I think that they're - that's going to be much harder. So we're going to be back in the fuzzy land Rosemary pretty soon.

Rosemary Sinclair: Well...

Michael Salazar: Hey Steve, this is Mike. Sorry. I absolutely agree with you and think competition and consumer choice are very closely aligned and we're going to struggle with those.

Steve DelBianco: It may well be that that's the place where we do bring some supplier side - simple supply metrics in like how many are operating, how many different back end. We're not going to run away from that. We won't treat that as sufficient to have measured whether there's competition and choice.

Michael Salazar: Right.

Steve DelBianco: So some supply side metrics are going to be fine.

Rosemary Sinclair: Yeah. Rosemary here. A couple of comments. Firstly I think your understanding of Wendy's position is quite right. And she was very deliberately framing alternative definitions for us to look at. But my view is that our process is one of discussion and compromise and seeing, you know, what can come from the two perspectives that we can take forward.

So I understand what you're saying Steve but I still think that the best outcome from our discussions is a combined perspective. And in any case I think our focus now on the tools that ICANN has to measure and deal with problem and promote improvements provides a useful set of boundaries to this work and our discussion.

We're talking - we can talk very loosely about consumer trust and consumer confidence and all the rest of it but if at the end of the day we're coming to a point of saying and ICANN can only deal with this

through its contracts and policies, then I think we've got a way of dealing with concerns that we might be opening up an unmanageable discussion.

Secondly on the competition and consumer choice argument. I'm - I understand why people think that these things are very, very closely aligned and how can we ever unpack them. But my experience in the Telco area would suggest that you don't always get effective informed consumer choice even when you're got a number of suppliers in the market.

And Telco mobile phone contracts are a classic example where most economists would say that's a very competitive market but most consumer advocates and behavioral economists would say it's not very effective from a choice point of view because the consumers are deliberately confused and presented with our present contacts that they can't understand.

So when we get to the discussion about consumer choice, I think there's some extremely interesting work in other quarters one such being the OECD where they looked very carefully at what an empowered consumer - in other words, a consumer who can make an effective choice; what sorts of tools that consumer needs.

So I'm not so worried about this, you know, when we get to looking at consumer choice compared to competition. I think we'll find that there are differences although definitely these are two sides of the one coin of an effective marketplace.

Steve DelBianco: Rosemary, the way you - this is Steve. The way you express it brings to mind that choice is the availability of lots of potentially different TLDs because we're only talking about the new TLD program. So new TLDs that offer different value propositions, different selectivity, self selection, even trust.

And the availability of choices doesn't actually care if the same company happens to be running the backend registry or even if the same company is the owner of the TLD.

Rosemary Sinclair: Yeah.

Steve DelBianco: So competition, that is to say supplier diversity might well measure something that choice doesn't even care about. I guess if .bike was run by Verisign and Verisign still runs .com, I have a choice between .bike, which is a completely specialized TLD for bicyclers, or I can go to bicycles.com. It is more choice for me. And I don't really care if the same company runs it.

Cheryl Langdon-Orr: Here, here.

Rosemary Sinclair: Yes.

Cheryl Langdon-Orr: As long as it runs well - Cheryl here. As long as it runs well, meets the expectations you have and basically, you know, says what it does on the packet.

Rosemary Sinclair: Yes. Yes. Okay. Now is there - are there any other comments that we want to make at the moment about consumer trust? If not, I suggest we...

Cheryl Langdon-Orr: Rosemary. Cheryl here.

Rosemary Sinclair: Yeah. Yeah.

Cheryl Langdon-Orr: I have this slight move to the well side. I won't define left or right because that's (valuated - laden). I'm just wondering if in some of the work done in stakeholder inclusion and trust modeling might be interesting for us not necessarily to use but just to look at as a resource.

I know I've got a checklist lurking there somewhere in some old archive. I might pop that across for putting up on the Wiki spaces as a resource. But I also thought OFCOM. Figure this while Rosemary and I look back to Telco interface here.

I thought OFCOM did something back a few years ago that was a metrics driven trust analysis and I can't for the life of me remember whether it was to do with their IPTV or something. But...

Rosemary Sinclair: Yeah.

Cheryl Langdon-Orr: ...it wasn't purely Telco. I just have it...

Rosemary Sinclair: Yeah.

Cheryl Langdon-Orr: ...fiddling around the back of my head.

Rosemary Sinclair: Yeah.

Cheryl Langdon-Orr: That might be worthwhile dragging out as well.

Rosemary Sinclair: Dig that out and have a look and I'll get the OECD one out and we can...

Cheryl Langdon-Orr: Okay.

Rosemary Sinclair: ...just put those in the resources are of our...

Cheryl Langdon-Orr: Yeah.

Rosemary Sinclair: ...Wiki.

Cheryl Langdon-Orr: You probably have better access to the OFCOM stuff than I would.

Rosemary Sinclair: Yeah.

Cheryl Langdon-Orr: I sort of moved on from that they said.

Rosemary Sinclair: That's all right. I'll dig around and have a look.

Cheryl Langdon-Orr: Gratzi.

Rosemary Sinclair: Okay. Anybody else wanting to make a comment?

Steve DelBianco: This is Steve. On the chat...

Rosemary Sinclair: Yes.

Steve DelBianco: ...a few of us have been parsing Paragraph 9.3 from the affirmation.

Rosemary Sinclair: Yes.

Steve DelBianco: And I thought I would try to seek a clarification. The definitions and metrics for consumer trust, competition and choice is the first part of 9.3 and those are the only part we're really tackling. I don't really think we're trying to - I don't think the Board asked us to go into the second part of 9.3 where were are to evaluate metrics for effectiveness of the application evaluation process. Or have we been tasked with defining safeguards to mitigate issues from the (interaction)?

I think we stop our work at the end of the three words, competition, consumer trust and choice.

Michael Salazar: Hey Steve, this is Mike. Yeah I saw and I think Cheryl went through and explained - provided a very good explanation of that. So I agree with you. I was just - based on what was posted in chat, I was reading it as using those two areas to measure competition, consumer trust and consumer choice and that was incorrect.

Steve DelBianco: I don't think so. Good, good, good. So we're all on the same page.

Michael Salazar: Yeah.

Cheryl Langdon-Orr: Yeah we are. Cheryl here Rosemary.

Rosemary Sinclair: Well, we can make an - yes Cheryl.

Cheryl Langdon-Orr: It just become (unintelligible). Having spent a huge amount of time, and I do mean a huge amount of time, with one of the authors of the affirmation of commitment, I can assure you that one of the authors of the affirmation commitment would have retrospectively perhaps parsed, analyzed and edited a number of the sentences a little bit more carefully.

Steve DelBianco: It's still - you know what, this is still a remarkable document. I tell you what. As the constitution goes, we would all - we should all be so lucky if every organization we had suggests a constitution like that affirmation. I'm really proud of the document. And I hope we can keep it alive.

Cheryl Langdon-Orr: Oh hell yeah. I still raise my glass to it but going through the ATRT you know I'm sure who I'm referring to would like to (unintelligible) cross the T differently.

Rosemary Sinclair: Yeah. No, I agree. So just let us look - I just want to be absolutely clear on this. I've taken the same position as Cheryl and Steve that what we're doing is assisting. We're preparing for the review that's going to examine the extent to which the introduction or expansion of gTLDs has promoted competition, consumer trust and consumer choice.

Then to me there's a break, which says that the review team would look at those things but it would also look at the effectiveness of the application evaluation process so retrospectively. And safeguards put in place to mitigate issues involved -- losing it -- in the introduction or expansion.

So I've certainly just been focusing on the first half of that because that's what the Board's asked us to do to work on the measures of the definitions, the measures and methodologies and how that's in regard to competition, consumer trust and consumer choice.

The resolution doesn't ask us to do anything about the A, process or B, safeguards. So...

Steve DelBianco: That's exactly right.

Rosemary Sinclair: Yeah.

Steve DelBianco: But I don't want to say that the only reason we do this - sorry. The reason - we're it because the Board asked us for advice. But...

Rosemary Sinclair: Yeah.

Steve DelBianco: ...the Board asked us for advice because Bruce is interested in not just what will they measure a year out in the affirmation. But if you establish those before the thing begins, then ICANN's management will pay more attention to consumer trust elements that are in the contract.

So pay more attention on day 1 of the launch as to contract enforcement. Instead of waiting until a year out and then somebody says contact enforcement is the way we're going to judge you and then Michael and his team say well why didn't you tell us a year ago.

Rosemary Sinclair: Yeah.

Steve DelBianco: A lot of the point of doing it ahead of time is so that we can begin to manage towards it. Thank you.

Cheryl Langdon-Orr: Yes, yes and yes again. Yes.

Rosemary Sinclair: Okay. So is there anything more we want to say on consumer trust in this call at the moment? And if not, my suggestion is that we just talk about our next call, which would focus on consumer choice and...

Steve DelBianco: If we could - if we could, why don't we make the next call choice and competition together and finding out how different phrases and terms like supplier diversity fall on one side and consumer choice and what did you call this - empowered consumers Rosemary.

Rosemary Sinclair: Yeah.

Steve DelBianco: Finding a way to get all those phrases and see which side it may fall on. It may fall on the competition side; it may fall on the choice side because I think we have to consider those in parallel. Thank you.

Rosemary Sinclair: Okay. Yeah. That's a great suggestion. And I'll happily do some prep work on the OECD and OFCOM and anything else I can come up with that is more on coming at these issues from the perspective of consumer choice because I think we've got quite a few views on competition.

I'm wondering and I -- this is just a suggestion -- whether there's a - whether it would be useful for us to get some external input. And I was thinking - or staff input perhaps. I was thinking of that background work that was done before the whole discussion on vertical integration.

And I don't want to get into the discussion about vertical integration but there was a research paper that talked about competition in the ICANN space. And I thought it was a good paper raising a whole lot of issues and then those issues went into the specific topic.

But I was just wondering how other people on the call might feel about trying to get some input of that sort in our discussion or whether we're just happy to go as we are. I don't mind. It was just a thought.

Steve DelBianco: I would ask this. Before we go - before we raise our profile and raise our head any higher above the foxhole, let's wait until - you know exactly where I'm going. Let's wait until we...

Rosemary Sinclair: Yes. Honestly you can see what a revolutionary I really am.

Cheryl Langdon-Orr: Should be put against the wall and shot so early. We got to get this girl trained in covert operations Steve.

Rosemary Sinclair: I find my greatest safety is in visibility - high visibility.

Cheryl Langdon-Orr: Oh trust me, you've lost that now Rosemary. There's no going back from where you are now dear.

Rosemary Sinclair: The problem Cheryl is I don't care.

Cheryl Langdon-Orr: No. That's the joy.

Rosemary Sinclair: Oh dear. Anyway. So where are we up to? So we're just going to proceed with our discussions, which is fine. That's fine and then we can come back...

Steve DelBianco: Yeah. But...

Rosemary Sinclair: ...at a later stage to...

Steve DelBianco: Right. And so let's get input from experts but don't do it in a formal way where we write a letter soliciting anything or ask for budget. Let's just keep it - we're gathering information insights. And to the extent staff can go find something for us...

Rosemary Sinclair: Yeah.

Steve DelBianco: ...or we can go pull from OECD, let's keep lobbing it into the workspace.

Rosemary Sinclair: Yeah. And that was certainly what I was thinking that we - if we can just ask staff perhaps to have a look at those documents to see whether there's...

Steve DelBianco: Yes.

Rosemary Sinclair: ...anything relevant in there.

Steve DelBianco: Yeah.

Rosemary Sinclair: And I'll do that with the OECD and OFCOM work and just bring it back to the group. So informal is good I think.

Margie Milam: Rosemary, it's Margie.

Rosemary Sinclair: Yes Margie.

Margie Milam: Yeah. On the last call you'd asked whether we had done any studies that (unintelligible). So I've inquired and I'm still inquiring. But one of the things that came to mind, and I'll send a link around to it, is in connection with the approval of the new gTLD program. The Board resolution, you know, included the rationale and in there there was a specific kind of summary of all the economic analysis that had been done to date.

So I'll circulate that link for you guys to look at. But that has a lot of good information about what's been done to date.

Rosemary Sinclair: That's great Margie. Thanks.

Steve DelBianco: Margie, it's Steve. Margie, a question for you. From your reading of that that's a great idea. I'm looking forward to that. But tease me a little bit. Does it have things in there about enhancing trust, competition and choice? Are those words that appear in that document?

Margie Milam: I doubt it. I mean it's more, you know, here's what we've done. Here we received a economic, you know, study from this group and from another group and here, you know, it just kind of lays out - it's more a background or as to what has - was done that preceded the approval of the new gTLD program.

And in it has links to documents. And I haven't done any kind of analysis on that. I've just, you know, it's more of a placeholder to show you where to find those documents. But there's nothing, you know, no added work being done to look to see if there's definitions of competition or consumer trust or innovation.

Steve DelBianco: Even if there's not definitions, if the words are used, it gives us a better hook because it's the rationale for the new gTLD program relied at least in part on promises that it will bring competition, choice and enhanced consumer trust, it makes our mission all more important.

And I don't know the affirmation authors and all of us know who they are, where do they get those three words? Were those three words something they cooked up out of think air or were they taken from earlier documents and things like a white paper?

Margie Milam: Yeah. I just (unintelligible) for that. But I'll keep digging inside to see whether, you know, I have (unintelligible) there.

Rosemary Sinclair: That would be really helpful Margie and I - you're right Steve. It's really important that we cover off what has been done before that has got us to this point. And not just go (veering) off in another direction without taking that into account.

In the same way that I think it's really important that we - when we get to our measures and methodology stuff that we're looking at ICANN tools. So my next question was going to be after the next call we finish for the time being the work on definitions. My suggestion then is we just take the definitions that we've got at that point and then start the work on measures, pardon me.

And I just wanted to see how other people felt about that approach. It's quite mechanistic. It's my - I'm thinking take the three definitions, do that piece of work and then start doing the measures work and then get to the methodology work. So it's not rocket science. It's just...

Michael Salazar: So this is Mike.

Rosemary Sinclair: Yes Mike.

Michael Salazar: So I'm pretty much a process person and that seems like a good process to me. But I think what we'll find in putting together some of the measures is that it may necessarily cause us to change the definition because it's going to be difficult to find...

Rosemary Sinclair: Yeah.

Michael Salazar: ...some measures that will fit the definition that we've provided. So I think we just need to remain flexible and just anticipate that that could happen.

Rosemary Sinclair: In fact it's the reason I think Mike for just leaving the definitions where they are now. We've got to see whether they are what - operational. You know, we can actually do something with them.

Michael Salazar: Right.

Rosemary Sinclair: Because at the end of the day, you know, we want to get to better outcomes for consumers. So I for one am quite happy if we find a definition that we're working with at the moment is such that it could

never be measured and therefore couldn't be managed, then outcomes couldn't be managed, then we do have to go back to the definition. How do other people feel about that?

Steve DelBianco: I would encourage us on our first pass through the definitions to always be listing examples of the kind of measurements that we believe could be done so that at least on our first pass we have a fighting chance of coming up with definitions that can be measured. That is why I know in the BC document we tried to capture not only definitions but also the measures that would be in there.

Remember I keep mentioning things like the number of UDRP and URS violations, the number of times the contract's violated, the number of statistically observed violations of relevant law. Those are the kind of measures that - those are metrics. So by keeping them in the conversation - we probably ought to even have them in Wendy's table as - Margie's table so that we can keep track of it as we go through.

Rosemary Sinclair: Yeah.

Steve DelBianco: So you're right. We're going to revise at the end but let's not wait until the September meeting to be the first time any of us have thought about wow, how are we going to measure this. We should be thinking of it all along.

Rosemary Sinclair: Yeah. And I think your suggestion of just expanding the table to include measures that we think of as we go through is a good idea if you wouldn't mind doing that Margie.

Margie Milam: Yeah. That's a great idea. I will go ahead and do that.

Cheryl Langdon-Orr: Cheryl here Rosemary. Just briefly.

Rosemary Sinclair: Thanks Cheryl, yeah.

Cheryl Langdon-Orr: Firstly, thank you Margie for that link. I've just done a very quick scan of the document. I have not drilled down as you might imagine in the time we've had the link into the supporting documentation but in response to Steve and a very quick pass through, there is definite focus on competition aspects, on pricing aspects and on consumer confusability aspects in those studies and reported on in the review document that Margie's linked to. So I'm hopeful that some things may be teased out. I guess we all have some homework.

Steve DelBianco: Fabulous. Did you say confusability?

Cheryl Langdon-Orr: I sure as shit did.

Rosemary Sinclair: Yeah. Confusability.

Steve DelBianco: Is that the inverse of trust?

Rosemary Sinclair: I think that must be the inverse of trust.

Cheryl Langdon-Orr: It sounds like we might need to look at that, might we?

Rosemary Sinclair: I think we definitely need to put it in the definition.

Michael Salazar: Hey guys, this is Mike again. So...

Rosemary Sinclair: Mike.

Michael Salazar: ...I'm listening to what, you know, Steve was proposing and, you know, that sounds right. I also think that we may want to consider who else from ICANN staff potentially should be on this call. And I know that - I think there was something posted on chat earlier about having maybe (Pam) from compliance perhaps attend.

But, you know, in terms of consumer trust and Steve in terms of what, you know, some of the measurements or metrics that you're talking about, you know, some of that may end up falling on Maggie Surratt who's the new head of compliance and her team.

And so I think it would be good to have them involved in that discussion mostly from an experience perspective but also so that they understand and can provide the input on what they're capable of achieving.

Rosemary Sinclair: Yeah. I think that would be really helpful Mike.

Cheryl Langdon-Orr: Yes.

Steve DelBianco: Mike, I appreciate that as well although Maggie has her hands full and if you thought that you can Margie can brief Maggie and come back to us with her thoughts, I'd be grateful for that too. So dragging her onto our calls, I guess that's your option.

Michael Salazar: Okay. Thanks guy.

Rosemary Sinclair: Rosemary here. I guess the other way of doing it is if we - is using the chart that Margie's been preparing for us. That of course could be made available to a number of ICANN staff as well as other people. And if they had comments or contributions to make, perhaps that's an efficient way of getting their thoughts at this early stage. Although certainly down the track I think we would want to have focus discussions on compliance and such things with the people who are really managing those processes.

Steve DelBianco: If - let me add that before we distribution that document outside of the people on this call, please add Margie the context that you and I chatted about at the very top; the context of Paragraph 9.3 of the affirmation and Bruce Tonkin's resolution asking for advice. That way anybody who picks up this document doesn't think that we've just created work for nothing.

Rosemary Sinclair: Yeah.

Steve DelBianco: This is pursuant to a Board resolution. Thank you.

Cheryl Langdon-Orr: Yeah. Absolutely.

Margie Milam: Margie. I got that Steve and I've already as we've been talking put that language in right at the top. So it'll have the section from the (AOC) and the Board resolution language and then it'll go into the proposed definitions. And I'll also include that extra column for, you know, for the proposed (possible) metrics.

Steve DelBianco: And how do we - in between calls if I wanted to grab that document, Margie, is it going to be in our workspace or is it something I should just email you and ask for?

Margie Milam: I didn't circulate it yet because I literally did it this morning before the call because I wasn't really sure if this document was going to be helpful. It sounds like it is.

Rosemary Sinclair: Oh yeah.

Margie Milam: So I'll update it after this call and then I'll post it on our - I'll send it on the list and I'll also post it on the Wiki so it will be accessible to all.

Rosemary Sinclair: Great. Great because I was - Rosemary here. I was just thinking as we go through for me OECD and OFCOM things, if I find, you know, sentences or ideas that are relevant to our discussion, it would be great to just kind of drop them in for other people to have a look at them.

Cheryl Langdon-Orr: Cheryl here just briefly back onto the point Michael raised about that Maggie perhaps Mike it would be appropriate for you to approach Maggie and ask if she would like to have someone from her team allocated with a watching brief on our activities rather than asked to come and play in our regular space.

I mean I would love to see a briefing from compliance specific to this workgroup's activities at some point. But it may be advantageous for Maggie to decide that she might want to put someone on having a watching brief list on what we do on the Wiki, et cetera. Anyway that's obviously your call. But - or yours and Rosemary call.

Rosemary Sinclair: Oh yeah. Well I'm absolutely open to it. That's my whole approach here. The more people in this space in the discussion, in the conversation, the better. Now is there anything else we need to do today? Have we got a time set for our next call?

Margie Milam: Yeah, it's Margie.

Rosemary Sinclair: Yeah.

Margie Milam: I don't believe we have but...

Cheryl Langdon-Orr: We don't. There's something in my diary.

Margie Milam: If we do two weeks that would put us out at the 24th. How would that work for you guys?

Steve DelBianco: I want to remind everybody that's the next conference in San Francisco. I'll be there. I imagine a number from ICANN will as well. It'd be better for me if it was the 23rd, Tuesday.

Rosemary Sinclair: Okie-dokie. Let's have a look.

Margie Milam: Yeah I mean then that seems...

Cheryl Langdon-Orr: Yeah. I can only move it back 24 hours, not a problem.

Rosemary Sinclair: Yes. I'm okay.

Olivier Crepin-LeBlond: Cheryl, if I may say - it's Olivier here. The 23rd is when we have let's see one hour, two hours, three hours, four, five, six. We've got 7-1/2 hours of conference calls already. I'm not quite sure that I will have this space for...

Cheryl Langdon-Orr: But that's in the - that's later in the day Olivier. This is 7:00 am versus later in the day.

Olivier Crepin-LeBlond: It depends.

Cheryl Langdon-Orr: Twelve hours apart.

((Crosstalk))

Olivier Crepin-LeBlond: I may give this one a rain check on that day because I usually am fired by the end of that day.

Cheryl Langdon-Orr: Moving it back 24 to the 23rd in the same time slot but 24 hours earlier means this consumer metrics project is about eight hours before the all night or the all day for you vigil.

Olivier Crepin-LeBlond: It is not - no.

Cheryl Langdon-Orr: Yes it is.

Olivier Crepin-LeBlond: Because for me it's at 2200 on Wednesday so it would be a 2200 on a Tuesday but our last call usually ends up at 2000. So we have a couple of hours to have dinner and perhaps some periods of whatever drug it is to bring us back to life. And then we'll...

Cheryl Langdon-Orr: Forgive our current Chair for he knew not what he did when he said yes.

Rosemary Sinclair: Perhaps we can leave our ALAC colleagues to work on their energy levels.

Olivier Crepin-LeBlond: No that's okay. So fine. Let's do it on the 23rd and I'll try and make it. I might not be too alive at the time. But I'm sure Cheryl will be able to (unintelligible) so that's fine.

Rosemary Sinclair: Okay good. So we've got the time and date. Now does that work for everybody else?

Glen DeSaintgery: I guess. So this is Glen. I'm going to send out then another invitation for the 23rd of August.

Rosemary Sinclair: Yes.

Glen DeSaintgery: Great. At 20 UTC?

Rosemary Sinclair: Yes.

Glen DeSaintgery: Yeah. Thank you.

Rosemary Sinclair: Good. Thanks Glen. And at that meeting we'll look at competition and consumer choice together. And using Margie's framework, which I just think is extremely helpful to all of this.

Now is there anything else we need to cover off in the meantime? In that case, we will say au revoir. Thank you everybody.

Cheryl Langdon-Orr: Thanks Rosemary.

Steve DelBianco: Thanks Rosemary, everybody.

((Crosstalk))

Steve DelBianco: Bye now.

Rosemary Sinclair: Bye.

Glen DeSaintgery: Bye.

Olivier Crepin-LeBlond: Thanks Rosemary. Thanks everyone.

END