Consumer Trust Meeting
TRANSCRIPTION
Tuesday 15 May 2012 at 19:00 UTC

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Participants on the Call:
Cheryl Langdon-Orr - ALAC
Steve DelBianco - CBUC
Olivier Crepin Leblond - ALAC
Jonathan Zuck - IPC
Michael Graham - IPC
Rosemary Sinclair - NCSG / WG Chair
Jonathan Robinson - RySG

ICANN Staff:
Julie Hedlund
Berry Cobb
Gisella Gruber

Apology:
Carlos Aguirre - NCA
Tobias Mahler - Individual

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

Nathalie Peregrine: Thank you very much, (Kelly). Good morning, good afternoon, good evening. This is the CCI call on the 15th of May, 2012. On the call today we have Michael Graham, Steve DelBianco, Rosemary Sinclair, Olivier Crépin-LeBlond and Cheryl Langdon-Orr. From staff we have Berry Cobb, Julie Hedlund will be joining us a little later and myself Nathalie Peregrine.

And we have two apologies from Carlos Aguirre and Tobias Mahler. I would like to remind you all to please state your names before speaking for transcription purposes. And Jonathan Zuck has just joined the audio bridge. Thank you very much and over to you.

Rosemary Sinclair: Good. Thanks, Nathalie and hello everybody. I'm sorry I missed the last call but life just took me in another direction but good to be back this time. So if we just quickly review the open items - open action items. The first one is a bit of an umbrella one I think isn't it. So we'll probably leave that carry-over mode is that what you were thinking, Berry?

Berry Cobb: Actually I think it was just a general call out to all hands for the working group to reach out to their government contacts and some of the more - the next action items get more specific so we can probably go ahead and close this one out.

Rosemary Sinclair: Yes okay that's good. All right, thank you for that. So if we move to the second one, Steve, would you mind giving us an update on that?

Steve DelBianco: Sure. The second and third one really go together because I...

Rosemary Sinclair: Yes.

Steve DelBianco: ...reached out to Board member Bruce Tonkin and asked him whether he would find a way for the Board to specifically prompt the GAC to respond to the advice since we understand that they had never made a formal request for advice.

Bruce agreed to do that. Wrote back for some more details and I provided those to him. And then Bruce replied with an email that I circulated to everyone on the list today. And Bruce came up with a specific request and he copied Stéphane van Gelder who's Chair of the GNSO in the hopes I think

that Stéphane would then pick up the ball and craft a letter from Council to the GAC.

I don't really know why it would go through Council. It's my view that this really ought to come from the Board; it's the Board who seeks the advice. But nonetheless I wrote back to Bruce and copied Stéphane and asked how can we be helpful.

So the question for all of you is whether we want to make any specific follow up, push back in any way on Bruce Tonkin's letter back to all of us. And anybody that doesn't have it I can walk through briefly what Bruce's suggestions were.

Rosemary Sinclair: Would you mind doing that, Steve?

Steve DelBianco: Yes. He had - Bruce Tonkin had wrote back and said he discussed this with Heather Dryden, she's of course Chair of the GAC.

Rosemary Sinclair: Yes.

Steve DelBianco: And Bruce suggested, number one, that we provide a note from the Chair of GNSO to the chair of the GAC with a copy of the draft document which would explain the context that the GNSO is responding to the Board's request for advice. And of course the attached is the draft document pursuant to that charter from GNSO.

Rosemary Sinclair: Yes.

Steve DelBianco: And then explain where we are in the process. That we'd be explaining that we're digesting the comments that came in in preparation of a final draft.

Rosemary Sinclair: Yes.

Steve DelBianco: And that it'd be great to get GAC input on the final draft before the document is provided to the Board. So that really suggests to the GAC that they've got a couple of weeks until they can see our final document. It might even be longer than a couple of weeks if we have to get it through Council and then ask the GAC to weigh in.

So the point there is the GAC would weigh in after it's gone through Council. I tend to wonder if that's the best method because I'd rather the GAC weigh in before Council sees it.

Rosemary Sinclair: Yes.

((Crosstalk))

Rosemary Sinclair: Rosemary here. I guess...

Steve DelBianco: ...two angles here. One is that Bruce is suggesting it come from GNSO chair...

Rosemary Sinclair: Yes.

Steve DelBianco: ...and yet I still think that we've got to explain that this is the Board whose resolution called for GAC advice.

Rosemary Sinclair: Yes.

Steve DelBianco: It's not a GNSO item; this was a Board item pursuant to the affirmation. And maybe what we can do is bury all that in the Council's request. So I'll stop there, Rosemary, and see what everyone's ideas are.

Rosemary Sinclair: Yes. Are there any comments or thoughts on this? Olivier.

Olivier Crépin-LeBlond: Thank you, Rosemary. It's Olivier for the transcript. I totally agree with Steve. It's - it has to be a Board thing. It's not a PDP process that we're dealing with here. So...

Rosemary Sinclair: No.

Olivier Crépin-LeBlond: ...I don't understand why Bruce might think it's that. But, yes, the Board has to ask for it.

Steve DelBianco: Olivier, this is Steve. There is one rationale for having Council be involved in the letter and that's because they're going to attach the draft advice that we work up in the next two weeks. And that draft advice is pursuant to a GNSO charter because the GNSO was responding to the Board's request for advice.

So I can see that it has both Board and GNSO elements. I'm just concerned that the GAC would react much more strongly to something coming from the Board than they would to something coming from Stéphane.

Rosemary Sinclair: Yes. Have you finished your comment, Olivier? Yes. Okay. Rosemary here.

((Crosstalk))

Rosemary Sinclair: Perhaps if I just throw in a little more on my conversation with Peter Nettlefold it might throw some light on GAC's response - well their approach to responding. The second thing is I think we have to be very careful about engaging the Board because of the history of GNSO with the JAS working group and all that kerfuffle about the Board that happened there.

Peter, if my discussion with him, indicated that he thought this work would be of considerable interest to the GAC. They had not responded to the Board's request but would - and these of course were all informal comments; he was just speaking to me as a colleague from Australia rather than Australia's

representative on the GAC or a member of the GAC. They're always very careful about that.

But he said he thinks that - well certainly himself - that would find the work very helpful in a GAC consideration of the work as part of them advising - giving their own advice to the Board. So the implication that I took from that was that they would always adopt a position of advising the Board directly.

They would, as I think we foreshadowed, find our work extremely helpful in preparing that advice. And the fact that we had provided through the GNSO Council that advice back to the Board would be a trigger point at which - at which time GAC would get interested in the work.

Peter was indicating to me that it would be unlikely, to be quite direct with the people on this working group, that GAC would respond to GNSO Council in the way that might be foreshadowed by Stéphane writing to GAC.

So I think we do have a little complication there which is not to say that if we assist Stéphane by writing such a letter to inform the GAC about where the process is up to possibly provide them with some material after its been through GNSO Council I would think - I don't think we'll get a response probably from Stéphane or GNSO - or GAC if we seek to get them to comment on a draft before it's considered by GNSO.

So I think we should follow the process that Bruce has outlined because it's a process of continuing the engagement in the work. But I don't think we're going to get the GAC response in the timeframe that we would have found helpful.

The other thing Peter said to me is that GAC is very engaged in the moment - at the moment in a process - and I've lost the though a bit here - but a process relating to some assessment in regard to new gTLDs. Someone may be more familiar than I am...

((Crosstalk))

Cheryl Langdon-Orr: Objections.

Rosemary Sinclair: Objections, yes. So they were very focused on that. And he felt that that would really be the center of their universe for the next couple of months. So sorry that's been a bit complicated and long-winded.

But I think we're best cased if we take a count of the history of GNSO Board interactions one way or the other and the reality of GAC which is positive. They are interested in the work and see it as a valuable piece of work. But their timeframe will be their timeframe is my interpretation.

So now I see Jonathan in the queue. Jonathan Robinson.

Jonathan Robinson: Hi, Rosemary. Thanks. I - excuse my voice, I'm a bit husky from having some kind of problem over the last week or 10 days. I think that was pretty well put, Rosemary. I mean, I think - I'm not sure it's exclusive in the sense that I think we can go along the path that Bruce suggests. And that doesn't - of course it doesn't preclude the GAC giving advice directly to the Board in the final even - in any event.

And I suspect that's where the GAC sees their position in the hierarchy. It seems to me pretty clear that the GAC wants the ultimate right of last advice. I mean, they might even feel more strongly about that but I won't presume to say how they feel about it. But certainly I don't think it does any harm to take them along the route that Bruce suggests.

I think you're right, you're realistic in your assessment that given both where we are in the process and where they are in terms of the urgent matters that they might perceive to be most urgent this might seem a little further down the tracks and therefore less worthy of urgent attention now.

But nonetheless I don't think we - I think to not engage with them in the way that Bruce suggests might leave us open to future criticism that we didn't take advantage of the opportunity to communicate with them. So in broad terms I think what you said is sensible and it's - I think we should follow what Bruce is saying. Thanks.

Rosemary Sinclair: Steve.

Steve DelBianco: Thanks, Rosemary. Bruce's note is imprecise about which draft document to send. And that gives us the opportunity to decide which one we'd want to send.

Rosemary Sinclair: Yes.

Steve DelBianco: Bruce is speaking of the draft we circulated two months ago. And yet within two to three weeks we'll have another draft. It's still draft because while it might be our working group's final report it won't have been approved by GNSO, ALAC or any other AC SO.

So it might well be that we would prefer to finish our work over the next two to three weeks...

Rosemary Sinclair: Yes.

Steve DelBianco: ...so the document reflects the comments that have come in and the way in which we've refined out thinking since we published the first. And at that point it would still be prior to any voting by Council so if GAC were to weigh in their comments could be incorporated before Council looks at it.

Rosemary Sinclair: Yes.

Steve DelBianco: So that's one plan. And the other plan would be to give them what we have - resend what we sent two months ago and see if that can provoke the given but given their shortness of breadth on timing I don't think they're likely to reply.

Rosemary Sinclair: Yes, no. Rosemary here. No, I don't think they are either. And I think given that we've got - well some government officials and other people deeply familiar with government processes I think that we should give them the more completed piece of work.

It would be foolish to have them running around in circles dealing with an issue that we suggest is dealt with in another way after we've taken on board the comments. So I certainly feel that any draft we send them should be the most complete draft that we've got after the next few weeks of work.

Steve DelBianco: Rosemary, just let me agree with that once more and add one element of reinforcement. Yesterday the US government warned me that their comments should be approved by COB today. I had begged to be able to circulate them to all of you on this call but they can't do that until they're signed.

But the Commerce Department of the US government has extensive comments on the draft advice. I'm grateful for that because they'll be the first of any of the government to reply. And also they're the - at least for the time being the US government was the sole signatory on the other side of the Affirmation of Commitment.

Rosemary Sinclair: Yes.

Steve DelBianco: And given that it's their language that they negotiated with ICANN on what's meant by consumer trust, consumer choice and competition.

Rosemary Sinclair: Yes.

Steve DelBianco: And I'm going to - I'm doing two things. I'm highlighting for you that they're coming which means...

Rosemary Sinclair: Yes.

Steve DelBianco: ...which means we may have to - we may have the option of incorporating them on our very next call. And it probably also argues for waiting until we've incorporated Commerce Department comments before getting it to the GAC. Thank you.

Rosemary Sinclair: Yes. Rosemary here.

((Crosstalk))

Rosemary Sinclair: Rosemary here. I think that we should take those comments - pardon me - as part of our public comment process. Any member of the community is encouraged of course to provide comments to us. So I think we should take those US government comments and incorporate them in this process that we're in at the moment.

And then forward that draft with a carefully constructed letter - we'll have to do some good work on that - to the GAC. Because of course the GAC is such a different body than the individual governmental members of the GAC so there may be significant difference between the US government position and the position that the GAC adopts after going through its internal discussion processes.

So I feel we should take the US government comments, incorporate them in our updated draft and its that document that then gets processed through GNSO to the GAC as an entity for - in a helpful manner for their consideration.

Cheryl Langdon-Orr: Cheryl here.

Rosemary Sinclair: Yes, Cheryl.

Cheryl Langdon-Orr: Just to absolutely come in behind both what you and Steve had just said. but of course the - fully incorporated with the Department of Commerce commentary next draft would be going to all of the ACs and SOs not just the GAC at that time. It would be a perfect primer for GAC to then move to setting up a sub committee which we can be fairly confident that both Suzanne and Paul would be - (unintelligible) would be involved in at the very least...

Rosemary Sinclair: Sure.

Cheryl Langdon-Orr: ...to look at that. And that's not bad timing for Prague to be honest. I think that probably comes in nicely as a set of stop and go points for the GAC itself. Olivier, if I may could I be so bold as to suggest to the Chair of the ALAC that the ALAC conversation with the GAC may wish to have this matter on its agenda as two ACs during the Prague meeting. That might also act as a primer. Take it to the next steps that way. Thank you.

Olivier Crépin-LeBlond: I believe - it's Olivier here. I believe it already is but I'll have to check. But I foresaw this coming up so I think it will be.

Rosemary Sinclair: Rosemary here. And that of course would be a nice inclusion in the letter from Stéphane to invite the GAC to discuss the draft advice with GNSO during their meeting in Prague.

Cheryl Langdon-Orr: Is GNSO meeting with GAC in Prague? Because they don't meet with everybody each time.

Rosemary Sinclair: No but I think they will be, Cheryl, because I don't think they met last time.

Cheryl Langdon-Orr: Perfect. No that's even better. Yes, absolutely perfect. Great. Yes.

Rosemary Sinclair: Very good advisors. Anyway we can suggest that and see how they take that forward.

((Crosstalk))

Cheryl Langdon-Orr: ...we just get Berry to check that it is a GNSO GAC meeting time?

Rosemary Sinclair: Yes.

Cheryl Langdon-Orr: I'm assuming you're right but it would be nice to be positive when we...

Rosemary Sinclair: Yes. So if you don't mind checking that for us, Berry, that would be good. Now in terms of writing a draft for Stéphane's consideration did you want to do that, Steve? Or do you want me to have a go at it? I don't - I'm - while we're mulling over that, Olivier.

Olivier Crépin-LeBlond: Thank you, Rosemary. It's Olivier. Just prior to thinking about this what I'll do we usually set up our agendas about a month or just less than a month before the actual meeting. I'll copy - I'll send a copy over to this group of what the subjects will be that the ALAC will discuss with the GAC so that the - either our - depending, you know, the consumer issue being in line or actually (treating) maybe a different angle if the GNSO Council is going to have a meeting with the GAC.

Rosemary Sinclair: Right.

Olivier Crépin-LeBlond: So we can cover more than one angle effectively.

Rosemary Sinclair: Yes, yes. Okay that's good.

Cheryl Langdon-Orr: Cheryl here. Rosemary, it sounds like a pincer movement doesn't it dear?

((Crosstalk))

Rosemary Sinclair: ...not Cheryl.

Cheryl Langdon-Orr: Sorry, guys, that's an in-joke between Rosemary and I.

Rosemary Sinclair: Oh. Okay now so back to the question, Steve, do you want to follow the Bruce letter up with a draft from Stéphane?

Steve DelBianco: I - if you want to take a first crack at it I'm happy to weigh in if you're...

((Crosstalk))

Rosemary Sinclair: Yes, all right. I just felt that it might be someone else's turn to be doing the corro - as they say - correspondence. So I'll have a go at the first draft of the letter and then I'll send it around to everybody and everybody feel absolutely free to weigh in. It just gives us something to work on.

                            Right so that's one, two, three, four. Berry, would you like to just give us a quick comment on five?

Berry Cobb: Yes, Rosemary. This is Berry. I did connect up with the compliance team and brief them on our discussion from our last session which is in respect to two additional measures being added with both registry and registrar complaints and the ICANN complaint ticketing system.

                        The compliance team is aware of this notion but unfortunately there was a conflict and they couldn't attend today. But we are looking to try to schedule for our 21st or next Tuesday meeting and they'll be on to answer questions and give a brief update so that's all I had for now.

Rosemary Sinclair: Okay.

Cheryl Langdon-Orr: That's good though.

Rosemary Sinclair: Thank you. And number six, the survey form is complete.

Berry Cobb: Yes. And that - Rosemary...

Rosemary Sinclair: So that...

Berry Cobb: ...if I may?

((Crosstalk))

Berry Cobb: ...I'd like to go ahead and get some of the informalities out of the way with respect to our remaining schedule since we're kind of at the end of the open action item.

Rosemary Sinclair: Good.

Berry Cobb: If I - given the size of the comments that we have to review through not to mention some late submissions we recognized this last session and we've tentatively scheduled one - a session for next Tuesday. I might recommend that we also maybe bump that up to two hours instead of 1.5 hours.

Rosemary Sinclair: Yes.

Berry Cobb: And having gone through this process a couple of times in the past and understanding the nature of this content I might even recommend that we tentatively schedule a session for the 5th of June as well and just to have it on deck.

Rosemary Sinclair: Okay.

Cheryl Langdon-Orr: I totally agree with you. This is a hugely important time for us and to not put in the last extra efforts of the - the next stage would be silly. And I think

the fact that this is almost unprecedented for a workgroup that I've at least been involved with over a few years...

Rosemary Sinclair: Yes.

Cheryl Langdon-Orr: ...to have substantive comments in from a single government to consider as well that's pretty important to get right because it's a pivotal opportunity. The only other thing is I've - I'm wondering are we going to do even for each of us - I assume Steve will be briefing the GNSO and I know I've certainly been asked to brief the ALAC. I'll be doing a very short, you know, three to five minute presentation set from this workgroup for Prague because that's work which we'd need to pop together in that same timeframe as well.

Rosemary Sinclair: Rosemary here, Cheryl. I think that's a good suggestion because the work - I think everybody has started to understand the significance of this work now. So perhaps we should offer to just do, as you say, very short briefings in each of the AC SO meetings because on other work of this magnitude that's what happens. So I wonder if we could think about that.

I'm not sure how we do that. Do we offer to provide the briefings so that people can consider when they're setting their own agendas? Perhaps Berry or someone on the call could just take us through the best way of making that suggestion.

Cheryl Langdon-Orr: If I may? With the additional time - Cheryl here for the transcript record.

Rosemary Sinclair: Yes.

Cheryl Langdon-Orr: With the additional time allocation for this workgroup's activities that Berry has just proposed - and I'm certainly supporting - it would mean that we definitely would have the, you know, 15 or 20 minutes on the agenda at the end of that last call perhaps where we could look at a quick two or three slide set and say yes this is what we...

Rosemary Sinclair: Yes.

Cheryl Langdon-Orr: ...members of the workgroup will be using in some unified sense. Because then we will have a set of key points, for example, out of our current draft advice, that sort of thing.

Rosemary Sinclair: Yes.

Cheryl Langdon-Orr: So it'd be, you know, building on what we told you last time, boys and girls, now we've had public comments in. Here are five key things that came out of those public comments. Here is the workgroup's reaction to that and therefore, blah, blah, blah. You know, that's certainly what I'd be aiming to do anyway.

Rosemary Sinclair: Yes. I think that's a good suggestion. And that process of working through a slide set worked well it seemed to me given the transcript, etcetera, from Costa Rica. And the other thing it does of course is it clarifies everybody's thinking about the subject matter so that even if there isn't a formal presentation or workshop or whatever the corridor conversation is coming from the same page...

Cheryl Langdon-Orr: Yes.

Rosemary Sinclair: ...because of that joint work in preparing the slide deck. So I think we should take Cheryl's suggestion and list that as a piece of work to be done (saying) that 12th of June for.

Berry Cobb: And, Rosemary, this is Berry. I'll take the action to create a first draft for the working group to consider towards the end of the month.

Cheryl Langdon-Orr: Fantastic.

Rosemary Sinclair: Thank you, Berry. Great.

Cheryl Langdon-Orr: Berry, we're talking, you know, five to seven minutes worth so three or four slides is tops.

Berry Cobb: Ten-four.

Steve DelBianco: Team, this is Steve. I would just reiterate when we present the slides they would just be the latest thinking...

Cheryl Langdon-Orr: Yes.

Steve DelBianco: ...on our advice. I shouldn't think that we need to explain where we started and how the comments may have steered us, right? We just go straight to where we are and not how we got here.

Cheryl Langdon-Orr: Absolutely.

Rosemary Sinclair: Yes that's right. And the only thing that we might want to do, Steve, is make the previous slide deck available to people who just wanted to go back to that - more - it's deeper; it'll be more informative as a standalone piece than the new slide deck will be I'm thinking.

Cheryl Langdon-Orr: As background material. Okay.

Rosemary Sinclair: Yes.

Cheryl Langdon-Orr: Can I ask that what we do then, Berry, being totally biased I must admit because I like to have less not more to do, if we can make sure that not only the slide deck but the transcript from the Costa Rica meeting is on a single wiki page with just a single link that we can - because I must admit I haven't looked - if it is fantastic but if not can the magic happen?

And then we just have a single link from our new slide deck in terms of - I'd probably put it in the intro - that people can access. Certainly the At Large community now would be distributing presentations through a Drop Box. So the At Large community and the ALAC would probably also annex the actual presentation and the actual transcript.

But just for the purposes of the fresh slide deck I'd just be making a live hotlink but to a single wiki page where those are accessible.

Rosemary Sinclair: That's great, Cheryl, thank you.

Berry Cobb: And, Rosemary, this is Berry. I just posted a classified URL in the chat window for you to see. So hopefully actually it'll be nine days from now the new GNSO Website will launch and there's a dedicated page to consumer trust or consumer metrics. And in there will be the comprehensive start to finish of what we've gone through.

Cheryl Langdon-Orr: Oh yay, team.

Rosemary Sinclair: That's great on a number of fronts. That's really terrific news, Berry, thanks. Now I think we're ready to get into the substance of the work. I just wondered, Berry, whether you might give us a backgrounder on the tool; just a quick background on how you thought this tool might help us and possibly the best way for us to actually use the tool. Would you mind doing that?

Berry Cobb: Absolutely. This is Berry. So the - first of all I can't take all the credit for the tool because it's been used in some prior working groups. The intent here is to, you know, obviously take a collection of all of our comments and instead of reviewing them by the person or entity that submitted them review them by the topic within the consumer discussion. And so the idea was to break it out by definition and then metrics for three defined terms and then at the bottom there are general comments.

What I found in a review from the Costa Rica session is my attempt at summarizing the comments that we received there didn't really translate well into the full context of the discussion and so we found ourselves going back to the original transcript just to make sure that we covered the bases. So I avoided that here and I literally cut and pasted each of the comments into their respective section which is basically Column 2.

The Who/Where Column, as you'll see for now is the entity or person that submitted the comment and then next to it is public comments meaning that that came from the public comment session. Once I have the - a review of the Costa Rica session comments loaded into this matrix then you'll start to see a little bit of change there and it'll be the entity or person and Costa Rica session just so that we can delineate the difference.

The other thing that you'll see in the next version with the Costa Rica session is that there will be working group response notes that we discussed over the last two previous sessions as well as in the fourth column which is a recommended action for the working group that we all agreed on taking such as updating a definition or adding a metric or changing a metric, etcetera. And so the idea is once we've completed through this process I'll go through the recommended actions column and then those should translate directly into updates to the advice letter.

The only other thing that I'll add to this is within the working group response column there is already text there. And the idea was I wanted to try to fold all the comments into one document so that we wouldn't have to bounce around a bunch of different documents. And so what you'll see at the beginning is the documents or the attachments that was included in the comment from where that comment came from.

Or more particularly under the metric section if it was specifically with respect to an individual metric I tried to correlate that with the page number and the

metric number of the advice letter in there as well so that we can correlate across them.

And then my last comment at the end of this matrix is a - not a summary but an attachment of all the comments that were received except for those comments that were actually PDF or Word document attachments. They were too wieldy to try to fold into this document. So - but there is a link showing the connection.

And so if I may in terms of a process for traversing through this we'll follow very similarly what we've done the last two sessions with the Costa Rica but basically I'll read through the comment that was supplied, the members can see who and where they came from and then we can open up the dialogue about the specifics of that comment and how the working group chooses to respond to it.

Rosemary Sinclair: Okay thank you, Berry. Is there any comment on that suggested way forward through this part of our process? If not I suggest, Berry, we dive into Number 1 and see how we go.

Berry Cobb: Great, thank you. This is Berry. So I think this one is probably one of the more familiar comments to us. This is from the ALAC with respect to the term consumer that was made by the Board using an expression from the Affirmation of Commitment.

The ALAC emphasizes the problem that uses such a term for a community especially in some of our regions. Within the comments there was a small case study attached. And I didn't include that in here for length purposes. But basically in short there is the use of consumer versus consumant or (berebraucher) in the German language.

And the working group members can read through the case study itself. But in general there is confusion about the use of consumer in certain foreign

languages. Thus the recommendation from the ALAC was, "Although the report of the working group clearly defines the term 'consumer' as actual and potential Internet users and registrants the ALAC believes that the correct term to use in all publications instead of 'consumer' should be 'Internet user' and consumers as Internet users whether they are registrants or not."

"The recommendation of the ALAC is for the ICANN Board to use the term 'Internet user' in future work and communications referring to actual and potential Internet users. The ALAC leaves it to the Board to determine how to respond to third parties that use the term 'consumer' in light of the dissociation in the international context an example of which is provided in this statement."

Rosemary Sinclair: Okay, thanks Berry. Are there any reactions to that?

Steve DelBianco: Is Olivier in the queue? He's got a hand up.

Rosemary Sinclair: Sorry, Olivier, now I've got the hand. Olivier. Thanks, Steve.

Olivier Crépin-LeBlond: Thanks very much, Rosemary. It's Olivier for the transcript. Just to add that as ALAC Chair obviously have heard about this statement. And I'm ready to answer any questions which any of you might have on this. Thank you.

Rosemary Sinclair: Steve.

Steve DelBianco: Thanks. And thanks, Olivier. We did discuss this several weeks ago. And the way I read your advice here it's advice to the Board. And I'm trying to understand whether you're actually recommending that we change our documents to excise the use of the word 'consumer' going forward? Is that part of this or are you just directing the Board to maybe sharpen its vocabulary?

Olivier Crépin-LeBlond: May I reply?

Rosemary Sinclair: Yes, sorry, Olivier, yes please.

Olivier Crépin-LeBlond: Thank you, Rosemary. Thank you, Steve. I think that, you know, having been part of this working group I perfectly know the amount of discussion we've had on this. I - and this is as a personal thing - I don't think that the working group itself can change its use of the word. It was asked - it was given a mandate which used the term 'consumer' and I gather it will probably have to play within the guidelines and within the bounds that it was given in its mandate and in its charter.

However I do hope that we make it clear, and we as in the working group now, I hope that the working group will be able to make it clear that the use of the term 'consumer' is ill conceived in this context and that it should have been using the word 'user' - well 'Internet user' rather than 'consumer.'

If the working group itself doesn't say that I'm not quite sure who else will say it apart from a direct statement from the ALAC over to the Board dealing specifically with this.

I also wanted to add that the forthcoming GAC ALAC meeting in Prague will have this point on its agenda. And so we hope that the GAC will - we're proposing such a point to be put on the agenda. We hope the GAC will agree to it that we'll discuss it with them because it is something...

Rosemary Sinclair: Okay.

Olivier Crépin-LeBlond: ...that's quite recurring. And that certainly appears to be not something that communities and I'm not just talking about one person but communities around the world are - seem to be against somehow.

((Crosstalk))

Steve DelBianco: May I do a quick follow up before you go to Michael?

Rosemary Sinclair: Sorry, Olivier, you had just finished...

Olivier Crépin-LeBlond: Yes, and I agree with them as well, you know...

((Crosstalk))

Rosemary Sinclair: Okay.

Olivier Crépin-LeBlond: So thank you.

Rosemary Sinclair: Now Steve, you wanted to jump in? Was that...

Steve DelBianco: I just wanted to follow up in response to Olivier and then I see Michael is in the queue as well.

Rosemary Sinclair: Yes.

Steve DelBianco: I would recommend under the recommended action that we - go to Page 2 or Page 4 of our advice where we describe what we meant by consumer as it was not the nature of an entity but the role that they play. We have a full paragraph in there which we devised when this issue first came up through Olivier and Cheryl.

And I would recommend that we take a little bit of the paragraph that's in the definition block here and add that to the note on Page 4 as advice to the Board in the future is to try to be more precise than use the word 'consumer' whenever possible to adopt a formal definition of consumer that includes Internet users.

Rosemary Sinclair: Yes.

Steve DelBianco: If we did that there's a chance that the Board would consider it and then it avoids the need for us to change the whole rest of the document in a way that would then be inconsistent with the resolution and inconsistent with the Affirmation of Commitments.

So I hope, Olivier, that that kind of a recommended action gives full acknowledgment of the ALAC's concerns and makes sure that this group puts it in writing to the audience of the Board.

Olivier Crépin-LeBlond: Yes, Steve, it's Olivier here. And, you know, I think it goes even further than the Board; it's actually something - it's an expression used by the Department of Commerce that's how...

((Crosstalk))

Olivier Crépin-LeBlond: ...it started. So going back in history this is where the root of the problem lies. The misuse of the term to start with by the US Department of Commerce. I guess that putting this in our document and making it go back to the Board and making it clear enough for the Board to understand it should hopefully go back to the US Department of Commerce as well. It's just something that has infuriated a lot of people and just proceeding and continuing in this direction is not constructive. Thank you.

Rosemary Sinclair: Okay. I have a couple of comments on that but let's go to Michael who's in the queue.

Michael Graham: Well, yes, I just had a quick comment and it's coming from the point of view - the benefit of ignorance not having been involved in the earlier conversations that in reviewing the ALAC comment my understanding, at least as far as our document, is that it - consumers in the context of the CTC is a defined term rather than a commonly used term.

So I think that solution that Steve was discussing in terms of the general use of 'consumer' being brought to the attention by moving that comment and emphasizing it a bit certainly makes sense to me.

Cheryl Langdon-Orr: If I may? Cheryl for the record.

Rosemary Sinclair: Thank you - thank you for that. I wanted to - Rosemary here - make two comments. The first is a general process comment and it comes from having just completed a large piece of work for our government looking at telecommunications issues in regional areas.

When we got to the point of writing that report with its recommendations about what governments should do we found ourselves at a number of points where we didn't really want to make recommendations but we wanted to tell people things.

So we came up with this construct called findings so we would make recommendations that say governments should do this, that and the other but then we had this way of telling them things which in that particular context we called them findings.

And that was a signal that it was an important issue; sometimes it was out of our scope; sometimes it wasn't clear what the recommendation should be. But nonetheless it was such an important issue that consideration should be given to it.

And it strikes me that this very first issue in our context is that kind of an issue where I don't feel that we can go out of scope of the work that we've been chartered to do in the Board resolution that we've been given but the difficulty that we ourselves had in our discussions and the difficulty that other people find themselves in in other places I think means that this is something that we should reflect back to the Board as something that they do really need to consider.

So I'm not sure in ICANN land whether there's such a construct as a finding which has got, you know, maybe one red flag - and I'm meaning virtually here - but something that says this is very important and ought to be considered. But that's a possible way forward for us, you know, with this work.

Second thing I want to say is on the topic of consumer policy and my own experience in that world suggests to me that when governments use the word 'consumer' they do so - and bearing in mind this is coming from Affirmation of Commitment stuff - they do so with good intentions because what that word does is trigger a body of policy work that has significant historical context and importance.

So in Australia, for example, our government has just done a considerable amount of work over four years developing something that's called the National Consumer Code. And the word 'consumer' is a very important signal to everybody that what's going to be taken into account is a public interest agenda, whatever the particular matter is, there's going to be a particular way of processing the issues and making the decisions.

So I'd just put that on the table because I think governments will find it difficult to completely let go of the concept of consumer because of that history and context. And it may be, for example, a simple matter in terms of government members on the GAC explaining why they're going to the ICANN meetings. I could imagine people saying well we're doing so because it's in the interest of our consumers; we have to be at that table.

So that's just a little bit of background as a reflection on that discussion about where ICANN might wind up on the word 'consumer'. There will, I think, be other histories that people bring to that discussion.

So putting that to one side, that second point, I wonder what do people think about this notion of us having findings or whatever word we like as well as

recommendations? You could - or what we did in my committee was we actually listed them out so they weren't to be kind of found in notes about things.

There was actually a list of recommendations and a list of findings. And that gave those issues quite a deal of prominence in the report that I'm talking about. So is there any reaction to that suggested approach?

Okay if not then perhaps we just take that as an idea and do what Steve is suggesting which is to augment Note 4 at this point.

Cheryl Langdon-Orr: Rosemary, Cheryl here.

Rosemary Sinclair: Yes.

Cheryl Langdon-Orr: I'm not sure we can't have our cake and eat it too on this one. I think the Note 4 way is a solid and a very much endorsed-by-me approach. But I also don't see a reason why - and - constructs of coming to the way ICANN workgroups and ICANN whole foundational structures have operated because of things just like this.

Rosemary Sinclair: Yes.

Cheryl Langdon-Orr: Meeting the need as a particular way to answer a challenge. There is no reason why we can't, providing we have more than one...

Rosemary Sinclair: Yes.

Cheryl Langdon-Orr: ...and it's not finding but findings - annex such a document and that might get that tool up for consideration anyway. So if we've got more than one finding then, yes, I'd be all for that.

We would of course, like everything else, have to give a little pre-history and a little bit of context and - I guess more than just, you know, define it in a glossary but a little bit of a definition of what this is that this is a deemed out of scope but yet significant issue identified by the workgroup during its process that was worthy of blah, blah, blah.

And so, yes, if we have more than just the one I think that could be a very interesting thing to explore at least from my totally biased point of view. Thank you.

Rosemary Sinclair: All right, Rosemary here. Well perhaps if we just kind of hold that thought, which might be another new construct for an ICANN process, until we get through this review of all the issues and then we can see where we are and whether that approach is useful or not useful.

So that then takes us really back to the first issue. And so we've captured the approach, which I think is to leave our document the way it is but reflecting this issue in Note 4.

Steve DelBianco: Page 4 where the note is on consumer definition. We already have a note in there - a paragraph...

Rosemary Sinclair: Yes.

Steve DelBianco: ...and I was proposing (putting) it below there.

Rosemary Sinclair: Yes, yes. So the clearest way to find out whether we're in agreement on this apart from people not jumping up in the queue is to ask Berry, do you know what we want you to do now, Berry, with this issue?

Berry Cobb: Yes I've added - I've taken some notes of the working group response and then I've also added the recommended action which is add the ALAC advice recommendation to notes on Page 4, definition of consumer, to possibly - or

to include Internet user. And then a secondary recommendation I listed as possible to create a findings and recommendations annex to the advice letter.

Rosemary Sinclair: Okay so everyone happy with that? So then we can move to the second item. So would you mind reading that, Berry?

Berry Cobb: Yes, this is Berry. This is the consumer trust definition section. The first comment is from INTA. "Definition of consumer trust: We believe the definition of this term is fundamentally sufficient however in order to clarify its meaning we suggest changing the word 'it' to 'its proposed purpose' which could refer to confidence or name resolution or TLD registry operator to the registries so that it's clear that the purpose being reviewed is the one set forth by the registry as part of its application and operating agreement with ICANN."

And I think the next comment is actually tied with it as well. And this is also from INTA. "Consumer trust is defined as the confidence registrants and users have in the consistency of name resolution and the degree of confidence among registrants and users that a TLD registry operator is fulfilling their words - the registry's proposed purpose and is complying with ICANN policies and applicable national laws."

And what I should clarify here is the - and this is where the - in the working group response column that it plays an importance as to where this came from. Row - or Comment Number 2 is from the - a text-based comments that were provided by INTA but they also provided a cut and paste of all of our metrics and some of their proposed changes.

So just to reiterate Number 2 is the comments themselves. Number 3 was pulled from their chart. And this is a cut and paste of our consumer trust definition with their revision to replace 'it' to the registry proposed purpose.

Rosemary Sinclair: Thanks, Berry. And while you were doing that I lost my phone connection and I've just rejoined. So I'm afraid I missed that description and comment but I can see hands in the queue so could we start with Michael?

Michael Graham: Yes, I guess to clarify it, Berry, you're correct. The two numbered points - two is actually from the text where we're presenting what it is that we believe should be change and why which is just to clarify the reference in that. And then 3 is actually the definition from the draft advisory in which we have made the proposed change which was simply changing 'its' to 'the registries.'

Rosemary Sinclair: Thanks, Michael. Olivier.

Olivier Crépin-LeBlond: Thank you, Rosemary. It's Olivier for the transcript. Just a question on this; it seems that the - INTA just wishes to make things more understandable; removing ambiguities. Is there any legal basis to replacing 'its' to specifically note 'the registries' proposed purpose? Does this entice a contractual agreement at that point? Thank you. Being no lawyer I have no clue so this is why I ask the question if anyone else knows. Thank you.

Steve DelBianco: We - this is Steve. No lawyer either, Olivier, but the proposed purpose shows up in the questions and answers of an application. And it may or may not make its way to the registry contract only really in the case of a community TLD are some of these registrant restrictions baked into the actual agreement.

But all applicants declare their mission and purpose in their application and we're referring to the broader definition here. And just to clarify I would support this clarification by using the word 'registries' instead of 'its.'

Cheryl Langdon-Orr: Here, here.

Michael Graham: This is Michael. And in response to Olivier's question to my knowledge it would have no legal affect changing that. It is merely a clarification based on

our understanding of what 'its' referring to which is the registries' proposed purpose.

Rosemary Sinclair: All right I'm sensing consensus on that issue. So once again, Berry, are you clear on what we're asking you to do?

Berry Cobb: Yes I've taken the note down for both 2 and 3.

Rosemary Sinclair: Okay. Okay doke. So we move then to - Michael have you finished your comments?

Michael Graham: Yes I have on that.

Rosemary Sinclair: Thank you. So we'll move now to Number 4.

Berry Cobb: Okay so the next section is consumer trust metrics and we'll start off with Number 4. This is also from INTA. And this is from their metrics chart and what you see in the first half is a cut and paste of their suggested change and then the statement below it is their rationale.

The metric itself is from the advice letter on Page 7, the fourth metric, survey of perceived consumer - survey of perceived consumer trust in DNS relative to experiences before the gTLD expansion.

"Survey can measure experiences with phishing, parking sites, malware and spam, confusion about the new gTLDs semicolon, user experience in reaching meaningful second level TLDs, registrant experience in being in a different gTLD, trademark owner's experience with regard to cyber squatting, prevalence, cost and satisfaction with results when a resolution is sought. The stated survey criteria are far too narrow. Also see below for other measures that could be the subject of the survey."

Rosemary Sinclair: Thanks, Berry. Any comment on this one?

Steve DelBianco: This is Steve, if I might?

Rosemary Sinclair: Yes, Steve.

Steve DelBianco: The survey target audience was supposed to be Internet users. You see that, Olivier, I didn't say consumers.

Cheryl Langdon-Orr: Very good.

Steve DelBianco: And if you did that would certainly include registrants who also own trademarks. But it would not be a survey that would actively seek out trademark owners in order to assess trademark owner experience with regard to cyber squatting and prevalence which is part of the requested change. So let's keep that in mind, a survey almost always has a target audience.

The survey vendor will probably have metrics that are associated with a representative sample size. They might even have a random sampling technique if they do a survey that way. It could also be a survey that's posted on the Internet and anyone who wishes can self-reply. Those have different validities when it comes to statistical significance though.

Rosemary Sinclair: Yes.

Steve DelBianco: In any event I think that the trademark owner angle could be troubling on this one. And it would be better if it just said registrants' experience with regard to cyber squatting which could be a registrant who had to go protect their trademark in (all) places or a registrant who was the victim of a URS or UDRP in a case when they felt it was unjustified.

So I would suggest that I'd be in support of these expansions but not with respect to targeting the survey to a trademark owner. I would change that word to 'registrant' and I'd be good with it. Thank you.

Rosemary Sinclair: Thanks, Steve. Jonathan.

Jonathan Robinson: Yes, pretty much I wanted to agree with Steve here. I think - I found it troublesome that this extends out into the whole trademark owner experience is problematic in terms of us trying to measure perceived consumer trust. I guess the challenge is if the registrant happens to be a trademark owner Steve's point is that then we cover that by the broader definition of registrant experience with regard to cyber squatting.

But certainly it seems ambitious to cover multiple audiences and multiple phenomena in this. I think we should try and respect what INTA is trying to achieve here but remain focused in what we're measuring.

Cheryl Langdon-Orr: Cheryl here. I'm not in the room, I don't know if I'm jumping the queue so can you put me in the queue, Rosemary?

Rosemary Sinclair: Go ahead, Cheryl.

Cheryl Langdon-Orr: Okay thank you. Just - I'd like to capture those last couple of words that you were just saying because I think what we can say in response to this is we're respectful of what you're trying to achieve but we also need to recognize that the review team that will be formed to actually work with the data sets that come out of such a survey could very well be quite instrumental in the creation of the survey instructions.

And I would assume that there would be a degree of professionalism of both the client and the provider end of such a survey. And questions like identifying such criteria is are you a current trademark holder, blah, blah, blah, would be, you know, in a decent survey depending on, you know, what you get is also what, you know, what you pay for is also what you get.

So, yes, I think just recognizing it and punting it back into the definitions will be fine from my point of view anyway. And obviously, you know, like any - and I don't want to use it as a derogatory term because I think lobby groups are particularly important to focus and give us in many cases huge clarity on matters, you know, they're doing their job. But they're one of many. Thank you.

Rosemary Sinclair: Thanks, Cheryl. Michael.

Michael Graham: Yes, I'm looking at that in regard to the entire consumer trust. And although I think the intent of that coming in was to include trademark owners as a consumer I can see that to a certain extent the concerns that would be covered there are covered in the metrics that come later on the relative experience and cost and incidents of litigation, UDRP procedures that which INTA was suggesting.

So perhaps the inclusion of trademark owner here actually confuses the issue. I can see that. And changing that over to read registrant would make sense although I'm not certain what registrants would have to say in regards to cyber squatting experience generally and certainly Internet users I think are generally unconscious of the existence of cyber squatting unless it directly affects them. So that might just be something - that last clause might be something that shouldn't be in there.

However the other portions that we - that INTA had suggested added was simply to include a few other types of experiences that Internet users might experience, again, as was just said - as a suggestion to whoever puts together a final survey that they should consider including. Thank you.

Rosemary Sinclair: So Steve.

Steve DelBianco: Thank you. I have a comment on the word parking in the first part of this recommendation. But I wanted to - let's finish the discussion on the last

clause, a trademark owner, a registrant's experience with cyber squatting because Michael just - what Michael just floated might argue for changing it to registrant as I had suggested but it might also be that Michael is suggesting drop it from here and cover this issue under the choice survey. Michael, could you clarify on that?

Michael Graham: Well, I was not thinking so much as - I guess that could be in the choice survey. I was looking more towards the actual metric measurements that come later because this obviously surveys are a much more subjective type of measure of what's occurring.

One thing that we were concerned with was that, you know, a test be made of intellectual property owners be they copyright owners, trademark owners, whatever of their experience of the expanded Internet as well as the user, as well as the registrants.

Steve DelBianco: Michael, if I could follow up on that? The choice survey later on probably doesn't scratch that itch but there are metrics here under consumer trust that measure the percentage of complaints for URS and UDRP as well as the relative resolution of those incidents in the new TLDs versus the legacy.

So there are some quantitative measures of what you speak. But we don't have any place in here where we're surveying trademark owners explicitly to ask them about cost and satisfaction with results.

Michael Graham: Right. To the - I guess I'm saying I would think that to the extent that those quantitative measures address the concern that was set forth - and this frankly was not a section that I worked on with INTA committees. But to the extent that it addresses these points in the quantitative area I think this last clause might be removed simply because I don't think asking, again, internet users their experience with cyber squatting is something to suggest to a survey maker going forward.

Jonathan Zuck: This is Jonathan Zuck. Could I get in the queue?

Rosemary Sinclair: Yes, jump in now, Jonathan and then I'll come back to you, Jonathan Robinson. Yes.

Jonathan Zuck: Sure, I mean, it seems a little bit outside the scope of this particular resolution to be surveying satisfaction of trademark owners. I mean, I think that it's - I think, you know, some of these things are going to be a serial measures - subjective measure with whether or not, you know, what consumer's perception was associated with the choices they had and the increased competition, etcetera.

And so some satisfaction survey that allows us to have some kind of delta I think is worth having as a data point for the review team when they're ultimately looking into this as opposed to it being some grand objective measure that comes up with everything. But definitely self-selected polls usually have bad samples.

You know, it's going to be people that are either biased toward a particular point of view, they're either activated by a particular group of people or they are - tend toward people that have a complaint and use the poll as a complaint system. So, I mean, a legitimate poll has to have, you know, a random sample to go out and get some - any kind of idea as to whether or not there's some delta in consumer satisfaction.

Rosemary Sinclair: Jonathan Robinson, did you want to make a contribution here or no longer?

Berry Cobb: Rosemary, this is Berry. He had to drop.

Rosemary Sinclair: Oh okay. Thank you, Berry. And Rosemary to make a couple of comments on this. I think what we're canvassing is a number of issues around the survey. If we just stop at the first sentence, survey of perceived

consumer trust in the DNS relative to experiences before the gTLD expansion full stop and then what we're doing in the second sentence is making some suggestions which of course attracts feedback from those people who aren't covered in our suggestions so we have an expanded set of suggestions about what should be included in the survey.

But the first point is that we want a survey of perceived consumer trust to be taken so that we get those delta points, as Jonathan Zuck was just saying. The second point I think is that we have the first example of when we go from a definition of consumer, which as Jonathan Zuck was I think just demonstrating, it's a language that comes with history attached to it.

And when we interpret that as Internet user or registrant then we've got an issue to consider because you then do have segmented sorts of consumers. And perhaps again that is a matter that we should capture in terms of the construct of the survey that this particular survey is going to have to make sure that it covers the broad range of consumer interests as we define them, Internet user and registrant, and a broad range of experiences pre and post the gTLD expansion.

So I guess as far as I've got at the moment is that those are the two issues that have come out of the discussion for me. I'm not sure what our response is at the moment. And we've got a number of people in the queue so perhaps if we hold those thoughts of mine and go back to the queue. I think, Steve, you were first in the queue.

Steve DelBianco: Thanks, Rosemary. It's a quick one. It's on the word 'parking'. I've testified in Congress about parking. I think it's a real problem. It's like billboards on the highway. It intercepts otherwise sensible searches and sends me to a place that provides no information whatsoever and is maybe even a little misleading. So my qualifications, Michael, are good here. I can't stand parked pages.

However, they're completely legal and there's no firm definition of a page that's a legitimate directory of Belgian restaurants versus a parked page that worked for Belgianrestaurants.com. There's no real distinction and I don't know how to run with the work parking in here invites an attack from critics. And we won't be able to defend our attack because we don't have a definition. Thanks.

Rosemary Sinclair: Thanks, Steve. Michael.

Michael Graham: I guess going back to that, Steve, I would agree. And, I mean, to my knowledge they're not illegal and yet they are obnoxious when you're using. I think the discussion and especially the summary that you just made a moment ago was bringing to the attention that what is being focused on here is the fact that we are suggesting that there be a survey of perceived consumer trust.

Then looking at one what sort of factors would go into determining whether or not a Internet user or a registrant would have - what their experience would be in terms of trust in the Domain Name System. And they would of course have different sort of concerns that would increase or decrease their trust.

At the same time - and this is going back again - I did not write this comment on behalf of INTA so I'm understanding it now - that what was being addressed there was that in making the suggestion that there be a survey of perceived consumer trust that the two things that we can do in terms of the advice seems to be, one, some suggestions as the categories of survey subjects - and that would include an individual using the Internet, a domain name registrant, a trademark owner, a child, various categories, you can see where that's going.

And then also in setting forth some types of issues or experiences that might be tested in that survey. Certainly either of those lists would be beyond the scope of this one item. So I wonder if there would be a way of saying such a

survey should examine components of the Internet experience, for example, with a short list.

Such a survey should also take into account the various types of users of the Internet and of the Domain Name System including Internet users, domain name registrants, intellectual property owners, etcetera.

And then emphasize as a final that the final determination of categories of subjects and also of types of experiences would be left to that survey team in the end. I think that's what we were getting at here.

Rosemary Sinclair: Yes, right. Okay thank you, Michael. Olivier.

Olivier Crépin-LeBlond: Thanks, Rosemary. It's Olivier for the transcript. Actually it's interesting; while discussing this specific point it strikes me that we have consumers are just not one embodying thing. In fact I think the lowest common multiple of everything is the Internet user and then that becomes a consumer if they purchase something on the Website or depending on how they make use of the Internet they become one category of Internet user or another category of Internet user.

I understand why, of course having been in this working group, I understand why we focused on specific questions since we wanted to provide a certain level of what was acceptable or what was unacceptable or what was expected or what was unexpected.

But at the same time I also somehow wonder if we are also focusing a lot on just specifics and whether we should actually keep the window a little bit more open to maybe other things being in the - being drafted by whatever team will be drafting the survey itself. So I can go either way on this one really.

Rosemary Sinclair: Okay.

Olivier Crépin-LeBlond: But, you know, I understand why we wanted something to be concrete and basically, you know, start with that. Perhaps maybe we should say start with this but consider other things as well as time goes. Today we can't know what the unknown unknowns are going to be when the new gTLDs are going to be released.

Some of these we might not even forecast. Some of them we have forecast but some of these we don't even know. And perhaps closing the door is not such a great idea. Thank you.

Rosemary Sinclair: Thanks, Olivier. Just a quick response from me. Pardon me. We need to remember of course the point that Jonathan Zuck raised that we want to survey before and after so we need a structure that enables us to reflect on the current set of issues but as Olivier has said does not close the door to new issues which may emerge.

Back to Michael.

Michael Graham: I was simply wondering if such a survey had not been performed at this point by one of the various service providers. And I was just going to point out that I - you know, I think it is important that something be derived or suggested so that it can be explored before the change, before the new gTLDs, as well as after.

Cheryl Langdon-Orr: It's Cheryl...

Steve DelBianco: Steve in the...

Rosemary Sinclair: Is that Cheryl?

Cheryl Langdon-Orr: Oh no, I thought I heard Steve.

Steve DelBianco: Go ahead, Cheryl. You're first.

Cheryl Langdon-Orr: Oh okay. If it was from one of the service providers I don't think it's as useful as if it's done by ICANN before go-live. I think that's essential that ICANN has its own data. Because I can assure you that there've been parts of the end user community that would doubt anything including a statement that the sky was blue that came out of some service providers.

So I think we need to be fairly cautious that what we're using as our baseline stuff. That's not my personal opinion I'll hasten to add. It is going to be, you know, valued and valuable. It strikes me, Rosemary, that we might have an immediate function for the findings and that is that we're collecting from these comments even so far an awful lot of really concrete, really good and really useful suggestions for future surveys.

And maybe we could go sort of shallow and then also suggest here are some of the specifics and go-deep questions that our comments elicited and that we just capture them as resource material for the survey team. I'd hate to see it get lost. I'd hate to see it not get recognized by I don't...

Rosemary Sinclair: Yes.

Cheryl Langdon-Orr: ...want it to cloud up our core reason for being either. Thank you.

Rosemary Sinclair: Thanks, Cheryl. Steve.

Steve DelBianco: Thanks. When we wrote this item on a survey we did not write it as if the survey had to be done twice. Instead the way we wrote this idea was a survey of perceived trust relative to their experiences before the expansion. So we wrote it as a single time survey...

Rosemary Sinclair: Right.

Steve DelBianco: ...and it would be some time, a year after, two years after the launch. And people would be asked for their perception of the increase or decrease in malware, confusion and spam. It is a retrospective assessment of how they felt about it. It was not a relative to necessarily nor was it a change over time.

And we may have evolved in our thinking to where we now want to run this twice but that isn't what's written in our draft document.

Rosemary Sinclair: Okay. Thanks for that clarification. Rosemary here - a comment. I tend to - well I've certainly evolved in my thinking because I think there are a number of other areas later where we do - pardon me - want to do the before and after. So I guess that's another topic we need to discuss.

But given the time on this call I wonder if we could park that question of a before and after survey on this particular issue of consumer trust and see if we can wrap up the comments that we've had - we're discussing this morning which - and let me have a go at it.

I think what we're saying is that we want to leave in our draft advice the fact that there should be a survey of perceived consumer trust in the DNS relative to experiences before the gTLD expansion. And then we want to make some comments in a - let's call it for the moment findings area - that indicate that the people who work on that survey need to consider the groups that are going to be surveyed under the umbrella term of consumer, meaning Internet user and registrant.

And they need to consider the different sorts of issues that will be affecting perceived trust by those different groups. So if we take the detail and put it in our findings area. Am I on the right track with that? Tick from Michael. Thank you.

Steve DelBianco: Rosemary, it's Steve.

Rosemary Sinclair: Yes.

Steve DelBianco: I feel like disconnecting the specific ideas and disconnecting them from the table and moving them into findings...

Rosemary Sinclair: Yes.

Steve DelBianco: ...is doing a disservice to the people we're going to ask to review the document. Earlier on - I thought it made some sense to think about the consumer - the redefining what consumer means - I think that made sense for a finding because it isn't really part of these tables.

But if we're going to stick with these tables and we have something to say about the fourth row of the table with regard to the elements of the survey or something about...

Rosemary Sinclair: Yes.

Steve DelBianco: ...how the survey should be conducted; should it be random sample or a convenience poll or if we want to indicate that it ought to be done twice or just once; all that should be in this same row rather than in a different part of the document called findings.

Rosemary Sinclair: Except that of course - the final deliberation on the survey will be made by a group other than ourselves.

Steve DelBianco: But, Rosemary, the final determination of everything in our document will be made a review team, right, that gets appointed a couple of years out.

Rosemary Sinclair: Yes.

Steve DelBianco: We're doing our best to sort of tee this up now and if the Board approves it at least staff can begin to measure some of these things. So, you're right, we

don't have the final say in anything. But if we do want to make suggestions I think they all ought to live in the same part of the document so that whoever reviews our idea for a survey can see in here that we're asking for a survey of perceived trust.

We would suggest or recommend the following elements. We suggest it be a random sample poll instead of a convenience poll. And we further recommend that it be done at the midpoint, one year after new TLDs are out, with an opportunity to do a retrospective assessment. And I'm just rambling here with an idea of saying all the things that will be in that box some of them don't smell like findings to me; they smell like recommendations.

Rosemary Sinclair: Yes. Okay well I think that means that we're going to have to keep this issue open until our next call because if that's the way we want to go then we've got to really - we've got to really work out what's going to be in those issues that are recommended by us even though that's not the, you know, the final construct of the survey because someone else will need to work on that.

I guess I'm looking for a group view on whether we just hold this item over and come back to it at the next call or whether there's some way to get consensus very quickly at this stage of today's call?

Jonathan Zuck: Well, Rosemary, I'm inclined to - this is Jonathan Zuck.

Rosemary Sinclair: Yes.

Jonathan Zuck: I guess I'm inclined to agree a little bit with Olivier that we don't need a whole lot of specificity in the description of the poll except maybe just talking about some of the questions that might be asked. Because the whole idea of what the sample is or what the methodology of the poll is is something I think best left to econometric professionals.

And we shouldn't be playing make believe on that score but instead just get to the idea of the types of questions that it would be good to have the answers to and perhaps answer the question about whether to do one or two polls. But I don't think we should be trying to drill too deeply into the methodology of the poll or the sample etcetera because that's something that there are experts to do.

Rosemary Sinclair: Okay. So for me I would - again and this is just my personal view - I would speak with the recommendation that there is a survey of perceived consumer trust and then I would put a set of issues somewhere else which say you've got to - we've got to think about whether we're having one or two polls; we've got to think about who are the surveyed groups and then we've got to think about the survey issues and here's a beginning list of those issues.

Steve DelBianco: Rosemary, this is Steve. Did you mean to drop the words relative to experiences before the gTLD expansion from that first sentence?

Rosemary Sinclair: No, no. I was going to have the whole first sentence because to me it leads - relative leaves open the question of whether you do a survey now and a survey later or you just do the survey later.

Steve DelBianco: Great, great, great, just wanted to make sure we get that in there.

Rosemary Sinclair: Yes, so that's all in there. But everything from the survey could go somewhere else. Not that it loses prominence. And I suppose I'm still thinking about my findings thing. It's very important work and must be considered by someone dealing with our advice. But it's not the be all and end all of this particular survey. Michael, you're in the queue.

Michael Graham: Yes just following up on what Jonathan had said. I think I would agree; I think perhaps - and this would also address the issue that Steve raised of keeping everything within the chart.

That rather than point out particular types of issues or activities and - other than - and rather than pointing out particular subject groups that if one or two statements could be made simply emphasizing that the survey should be inclusive of issues that affect the trust in the DNS of the various groups of Internet users including but not limited to Internet users, registrants, intellectual property owners, academic users, etcetera and leave it as open-ended as possible that way we could include a advisory to whoever is actually putting together the survey questions, which I agree with Jonathan that's not something that I can do well or frankly care to.

But it gives them the direction that we believe that they should be inclusive. And again backs up what it is that we're suggesting that they try to determine. And also on a second point I agree with Steve, I think, in looking over this again and evolving my understanding that this could be something. It is a what has your experience been - Has it been positive or not - so that it is a either single or certainly a year or three-year type of survey rather than one that would have to be performed before the new gTLDs are out. Thank you.

Rosemary Sinclair: Olivier. And I'm aware that we're right on time now for this call. Olivier.

Olivier Crépin-LeBlond: Thanks, Rosemary. It's Olivier for the transcript. I think to move forward on this one I would suggest we would just add the words - instead of survey could measure experiences, blah, blah, blah, blah that we could say survey could at least measure experiences, blah, blah, blah and then leave the door open for more.

And basically this would then be just seen as the minimum things that it should really be looking at and leaving the door open for more things and letting the people who will design the survey think of other things that would be asked about. Thank you.

Rosemary Sinclair: Thanks, Olivier. I think that's actually a very useful suggestion. So, Berry, are you clear enough on where we're at with this issue to make those changes, number one? And, Michael, would you mind thinking further about

the location of that last specific point about the trademark owner's experience whether it ought to stay here in this list of at least issues or whether it's better located somewhere else in our document.

Michael Graham: Okay, I will do so.

Rosemary Sinclair: Thank you. So is everybody happy with that as the resolution of this issue for the moment? We might just have a quick look at it when we come back on our next call.

Cheryl Langdon-Orr: Cheryl here. I think it is something we need to revisit on the next call because my mind is spinning a little bit right now. I'm thinking - and I suspect Olivier will need to ask and try and do a bit of prediction on what the reaction of the At Large community will be about singling out trademark owners at that point in - very specifically - in what they would perceive as an end user more generic survey.

There are some sensitivities of course that we need to look at on both sides of the equation there. And I think I heard language earlier in today's call that might be better at making sure we are appropriately inclusive of all under registrants and less likely to pick at raw nerves for a few verbally dexterous but nevertheless vociferous in the ICANN community.

So can we come back to that one? And, Olivier, can you do a straw poll in at least ALAC if not your wider community?

Olivier Crépin-LeBlond: Yes, I'll make note of it and I'll send an email out over to the ALAC to ask them. This is Olivier, by the way. Thank you.

Rosemary Sinclair: Thanks. And Steve's just made a point in the chat about not using the word trademark in this survey recommendation. And that goes to the question of whether that last point actually belongs somewhere else in this document.

All right I think we've run hard up against the timeline here. But we've done some very important work today. We've, you know, got our process sorted out and we've cracked a few of these issues. So I think it's been a great call.

And we are scheduled to meet again at the same time next week but for two hours which I think will be a very useful extension. Any final comments from anybody?

Steve DelBianco: Rosemary, it's Steve, just to clarify if the US government gets their comments in today or tomorrow...

Rosemary Sinclair: Yes.

Steve DelBianco: ...do we understand that we would like staff to help analyze those as well and we would consider them to be relevant...

Rosemary Sinclair: Oh yes.

Steve DelBianco: ...even if they came in a couple of days late.

Rosemary Sinclair: Yes.

((Crosstalk))

Rosemary Sinclair: Yes.

Steve DelBianco: Thank you.

Rosemary Sinclair: Thanks. All right well we'll finish the call now and regroup after rest hopefully next week. Thanks everybody.

((Crosstalk))

Michael Graham: Thanks, Rosemary.

Steve DelBianco: Thank you.

((Crosstalk))

Cheryl Langdon-Orr: Bye.

Nathalie Peregrine: Thank you, (Laurie). You may now stop the recordings. Thanks.

Olivier Crépin-LeBlond: Thanks so much everyone.

END