

**Consumer Metrics Project Discussion
TRANSCRIPTION
Tuesday 18 October 2011 at 2000 UTC**

Note: The following is the output of transcribing from an audio recording of the Consumer Metrics Project Discussion meeting on Tuesday 18 October 2011 at 2000 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:

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Participants on the Call:

Rosemary Sinclair - NCSG
Cheryl Langdon-Orr - ALAC
Olivier Crepin Leblond – ALAC
Carlos Aguirre - NCA
Steve delBianco - CBUC

ICANN Staff:

Brian Peck
Margie Milam
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Apologies:

Alex Gakuru – NCSG
Wendy Seltzer - NCSG
Michael Salazar – ICANN Staff

Coordinator: Thank you. I would like to remind this call is being recorded. If you have any objections, please disconnect.

Thank you, you may begin.

Gisella Gruber-White: Thank you. Good morning, good afternoon to everyone on today's CCI call on Tuesday the 18th of October.

We have Cheryl Langdon-Orr, Carlos Aguirre, Steve DelBianco, Olivier Crépin-Leblond, Rosemary Sinclair, Jonathan Zuck.

From staff we have Brian Peck, Barry Cobb, Margie Milam, and myself Gisella Gruber.

Apologies today noted from Michael Salazar as well as Wendy Seltzer.

If I can please just remind everyone to state their names when speaking for transcript purposes. Thank you. Over to you Rosemary.

Rosemary Sinclair: Thanks Gisella, and hello everybody. Thanks for joining our call. We've got a agenda before us, starting with preparation for Dakar. So I wondered if we could just take a few minutes to talk through the administration and then get to the slide presentation.

The new time we've got is Thursday morning 7:00 to 8:30, but that is now after the GNSO Council open meeting, which is the Wednesday 2:00 pm to 6:30 pm. So, that's much more doable from my point of view, which is great, but it does mean that we won't be able to update the Council based on our workshop. But, I think - I think (unintelligible) arranged, given all our commitments.

So are there any other thoughts about that timing?

Everybody able to make that who's interested in this topic (unintelligible) (hope)?

Man: Yes.

Rosemary Sinclair: Great.

Okay - and a couple of our standing items from me. I have not yet been to Stefan just letting him know that I'm the Chair. I just wanted to confirm with everybody that we've not heard any other opinions on our list discussion about that, so I will do that now. I've not heard anything back from ccNSO folks. Is there any update Olivier from ALAC (unintelligible)?

Olivier Crépin-Leblond: Thank you Rosemary. Olivier for the transcript. No, there is no update from ALAC. It's - there was no feedback on that, so I guess that any silence may be seen as acclimation.

Rosemary Sinclair: Well, I will interpret it that way Olivier if that's okay with you.

Cheryl, you've got your hand up.

Cheryl Langdon-Orr: Thank you Rosemary. It's Cheryl for the transcript record. As I attend on behalf on behalf of the ALAC (the) ccNSO meeting, I did mention that you had been put forward for confirmation to the list and that there was no traffic that I've noted on it. And so the ccNSO Council certainly knows and I guess if they didn't suggest to be a liaison back to us, that you know everything's okay as well, so congratulations Rosemary.

Rosemary Sinclair: (Thank you) Cheryl.

All right. Well I'll proceed with that.

Steve DelBianco: Rosemary, it's Steve DelBianco. May I get in the queue?

Rosemary Sinclair: Yes, Steve. I can't see your name on my list and I've tried adjusting my chat window to see you. So you might just...

Steve DelBianco: It's my error, not yours. I'm having some connectivity issues.

Rosemary Sinclair: Oh, okay. Steve, feel free to jump in. Yes.

Steve DelBianco: All right, thank you. And congratulations. I'm glad you're staying with us as Chair.

I wanted to ask you about liaisons. Like other ASO's may not do it, but the GNSO always has an official liaison and it's usually a Councilor who then participates in these cross-community working groups. And you've fulfilled that roll before, and now that you're not a Councilor do we have a new one from GNSO? And if not, what do we need to do to get that done?

Rosemary Sinclair: Yes. And in fact, that was raised at the last GNSO Council that we need to support a liaison officer. I think the best thing for me to do is to include that in my letter to Stefan to make a formal request that GNSO consider that (unintelligible).

Steve DelBianco: I will add that John Berard, who's the Councilor from the business constituency, is interested in fulfilling that role. He's been on a few of our calls before, and...

Rosemary Sinclair: Well, in that case it's very easy. As - if everyone else is happy, I think that's a terrific suggestion, Steve, if John's prepared to take that role.

Steve DelBianco: And it's not our decision to make, right? It's something that I guess Stefan gets to make the decision. But, it's great to know that (unintelligible) Councilor right?

Rosemary Sinclair: Often easier to make the decision, yes, when you know that there is someone interested. So, I'll find a quite little way of letting him know that he wouldn't be asking this question into the universe. That there would be a small voice that would come back with a, "Yes, please."

So are there any other thoughts on that?

Okay. Well I'll proceed on that basis of a quiet hint about John Berard.
Thanks Steve.

Okay, now is there any other admin that we need to just tick off?

Steve DelBianco: The room that we're going to use in Dakar for that Thursday session, do you know whether it's a very, very large room or one of the smaller meeting rooms?

Rosemary Sinclair: Margie or Gisella, are you able to give us a clue on that?

Margie Milam: Hi, this is Margie. I don't have information on the room. Gisella, you might. I know she was dealing with the Meetings team on this.

Gisella Gruber-White: Unfortunately I don't Rosemary, but I will see if I can get someone on the line to give me some information.

Steve DelBianco: And it could even come in an email later, because folks we know how it works. If it's a small room, we have an intimate and interactive workshop. And if it's a large, cavernous hall and we are 50 meters away from everyone, we just have to run it differently. So the sooner we know, the better we can prepare.

Rosemary Sinclair: Okay.

Margie Milam: And Steve, this is Margie. When I submitted my request, I believe that I submitted it for a smaller number. I don't - I didn't anticipate it - a need for a large...

Steve DelBianco: For intimate and interactive, right?

Margie Milam: Yes.

Rosemary Sinclair: Yes. Lots of discussion is (bigger) isn't it? And (we've said that even a slight pack) - there are lots of ideas, so a room that facilitated an energetic discussion would be great.

Margie Milam: Right. I think I have requested the U-shaped room like we do for the GNSO Council weekend sessions. I think that's a good format.

Rosemary Sinclair: Right.

All right, well shall we now move to working our way through the slide presentation?

Good. So what do I - I've got a deck for - there it is. (Unintelligible).

Okay, so - oh (unintelligible). Sorry everybody. I'm mumbling to my associate.

So have I - so if we just go through this one page by page, except I am not seeing a whole page.

Steve DelBianco: I would ask - just to reiterate, this is Steve. Could - the audience for this is the workshop on Thursday? Not Council right?

Rosemary Sinclair: Yes. This is the workshop on Thursday from 7:00 am...

Steve DelBianco: Okay, that's the audience. And the purpose of the presentation is to setup - set a ground - update them on what we've been doing and that becomes the foundation for further discussion right in the same meeting?

Rosemary Sinclair: Yes. That's right.

Steve DelBianco: Beautiful. Thank you.

Rosemary Sinclair: Yes. Yes. So we're just coming back with all the work that we've been doing, you know the working group, and providing that information to a wider group for further discussion. Yes.

So the presentation which I'm flipping through in (large format) just starts off with the goals, which are those two that you mentioned Steven.

Perhaps it might be worthwhile just actually putting those on the slide that we're wanting to update everybody from our workshop in Singapore and provide a basis for community-wide discussion.

And the Slide 3 - and I should just say I'm working off a PowerPoint presentation, so let me see.

Olivier, you have your hand up. I was just going to say I can't see the hands, but I've rearranged my screen so I can. Olivier?

Olivier Crépin-Leblond: Thank you Rosemary. Olivier for the transcript. I was going to mention the current schedule as published by ICANN has not reflected the change from Wednesday to Thursday. However if the room size goes by the type of room that was originally allocated to the session between 13:00 and 14:30 on Wednesday, that was in Room B56, which if you click on the little plan, who's link I've got into the chat, shows a medium-sized room that is actually quite large I would think compared to perhaps the requirements that we would have.

Now with that said, B56 is not available at the required time of 7:00 until 8:30 am on the Thursday morning, so it will probably be allocated elsewhere.

Rosemary Sinclair: Yes. So (unintelligible) can reserve the U-shape. And even if the room is large, we can create a more intimate discussion forum I think.

Olivier Crépin-Leblond: Yes, that would be great. Thank you.

Rosemary Sinclair: Yes. Could we leave it with Margie and Gisella to do the best we can to create the sort of space that we're looking for given the constraints of the conference timetable and venue?

Margie Milam: Yes Rosemary, I've got that - I'll work with Gisella on that.

Rosemary Sinclair: Okay, thanks Margie.

Okay, so just to remind everybody when I'm looking at the slides I can't see the hands, so I'll just rely on people to jump in to the conversation.

Okay, now we move back to Slide Number 3, which is just reminding people that this work has come from key commitments by the Department of Commerce and ICANN. I think spelling those out is a good background and start point. And then we go into the particular part of the Affirmation of Commitments 9.3, which in fact is where we get our working group title from - Competition Consumer (unintelligible).

And...

Olivier Crépin-Leblond: Can I just jump in Rosemary? Olivier here.

Rosemary Sinclair: Yes, please.

Olivier Crépin-Leblond: Sorry to be picky about this. Olivier for the transcript record. The Department of Commerce is usually DoC.

Rosemary Sinclair: Okay. Thank you.

So...

Steve DelBianco: Rosemary, on Slide Number 4 - this is Steve with a request.

Rosemary Sinclair: Yes, Steve.

Steve DelBianco: I believe that the section of Slide 4 which is the Affirmation Review, I believe we should put in red or bold or highlight the center section of that text which references the portion of this review that Bruce Tonkin's resolution spoke to. I know you get to that on the very next slide because Tonkin's resolution did not ask us to develop metrics for A and D, but only the stuff between promoting competition, consumer trust, and choice.

So just the center section of that Affirmation is what we reference. Those - that'll make our scope feel a little bit more focused and narrow.

Rosemary Sinclair: Okay. So we would highlight from A - Review, down to Consumer Choice?

Man: Yes.

Steve DelBianco: That's right. Thank you.

Rosemary Sinclair: Okay, good.

So Margie, have you got Olivier's point and this one?

Margie Milam: Yes, I do. I think (unintelligible) will send out revised slides after the call.

Rosemary Sinclair: Okay, terrific. Thank you.

But then Slide 5, we've now got the Board resolution and this is where we get to the definition measures and three year targets for those measures. The competition (unintelligible) trust and choice in the context of the domain name system. So again, I think that is very clear on the scope of what we're doing.

(Unintelligible).

My goodness. San Francisco seems further, and further, and further away doesn't it?

Okay, Number 6. This is where we pull out and really put into sharp focus what we're doing, so we're beginning separation with the AOC review, focusing on definitions, measures, and targets for competition (unintelligible) consumer choice (unintelligible) domain names.

So I think it's worthwhile going...

Steve DelBianco: (Unintelligible) - DelBianco with a comment.

Rosemary Sinclair: Yes Steve.

Steve DelBianco: Just that Number 6 - by titling it Workshop Tasks it really confused me. It made me feel like was that the task of the Thursday workshop? No. It's really the task of that - the joint cross-community working group has taken on.

Rosemary Sinclair: Yes.

Steve DelBianco: So I don't know that I would call it a workshop task. That's the title of the slide. It's really the charter for - it's the charter for our group when you think about it.

Rosemary Sinclair: Yes.

So should we make that...

Steve DelBianco: Maybe call it working group task or something, as opposed to workshop task?

Rosemary Sinclair: I think working group task I think is a good way of dealing with that issue.

Steve DelBianco: Thanks a lot. Thank you.

Rosemary Sinclair: And then we get to the charter, and I - but I think it's better to just outline the task before getting into the administration. I can see an argument that says you'd talk about the charter and all of that first, but I would rather just put clearly on the table what the discussion is - what the work is and then get to the charter on the next slide.

Is everyone okay...

Steve DelBianco: Rosemary, it's Steve.

Rosemary Sinclair: Yes Steve?

Steve DelBianco: I agree with you completely about giving somebody an outline before you bury them with prose.

Rosemary Sinclair: Yes.

Steve DelBianco: And in that regard, Slide Number 6 is the right way to start. I'm going to just share with you that when I discussed this with the business constituency, one member who's a prominent leader pushed back to say, "Wait a minute. You can't tie the hands of the Affirmation Review Team once they're convened.

They are free to go in whatever direction they want.” And I said, “Oh, sorry. Of course they are.”

Rosemary Sinclair: Yes.

Steve DelBianco: “We are trying to be helpful by laying a groundwork for what these three terms might mean so that ICANN can manage towards them. We understand that when the Affirmation Team gets picked, which won’t be until a year after the new gTLD’s are (unintelligible). They may not decide to follow us.” So I know we all know that on this call.

Rosemary Sinclair: Yes.

Steve DelBianco: But is there a way to change the text at the top of Slide 6 that currently reads, “To begin preparation for the AOC Review with a focus of establishing...”

Rosemary Sinclair: Yes.

Steve DelBianco: We need to change that so it’s not so dictatorial toward the AOC (unintelligible).

Rosemary Sinclair: Yes.

And of course, we picked up those words in our charter where we talk about assisting by providing information which can be considered...

Steve DelBianco: Like that - that’s good prose, but it’s a little long for that little blue text, but something along those lines.

Rosemary Sinclair: Yes. Could we have it if we just captured it with, “to assist the AOC Review”? Just that...

Steve DelBianco: Well, assist might feel like we're assisting the review once it's begun. But remember, preparation, which is the word you picked, is the right word, right? We're trying to help ICANN - the community and ICANN management to prepare for - to anticipate.

Rosemary Sinclair: Yes.

Steve DelBianco: So I don't want to lose the notion of being in front of it like we are.

Rosemary Sinclair: How about we do it this way. How about if we say that our working group task is to focus on establishing da-da-da, and then the very next slide is a slide that says, "The purpose of this work is to assist -- et cetera -- for consideration." How about we do it that way?

Steve DelBianco: That's a great idea. Go for it.

Rosemary Sinclair: Okay, great.

Okay, so we just need a new slide in there Margie, then we get into the sort of formal description of our work. And I think we should include this, even though we've pulled the core of it out in those couple of earlier slides. So our charter says that we're going to use the report for consideration. It could be considered by these groups in forwarding their advice. Each may act independently and may endorse all, part, or none. And, we're going to provide an update report to the Council as soon as we can after Dakar.

So I think that's a - obviously the proper description of our work. And, I do think (unintelligible)...

((Crosstalk))

Margie Milam: So Rosemary -- this is Margie -- can you just go back to the new slide. What is it you want on the new slide? I think I missed it.

Rosemary Sinclair: So Slide 6 Margie was just the working group task...

Margie Milam: Right. I got that.

Rosemary Sinclair: ...is to focus on establishing - right? So delete, "to begin preparation for the AOC review."

And then the new slide would say, "The purpose of this work is to assist in preparing for the AOC review by providing information for consideration during that process." Something like that.

We just want to capture the idea that we are working voluntarily to try to provide some information that might help, but we understand completely that people might say, "Thanks, but no thanks."

Margie Milam: Okay, got it. Thank you very much for the clarification.

Steve DelBianco: And when you send around Margie the new text, it's an opportunity some of us might weigh in to further clarify that the purpose includes giving ICANN management an opportunity to start to manage and measure to those things in anticipation that the Affirmation may look at these metrics.

Margie Milam: (Unintelligible)...

((Crosstalk))

Steve DelBianco: The work we do - if we do our work well, then you know, ICANN will manage towards achieving high scores on the metrics that we've attached to the three defined terms. And, that will happen long before the Review Team is even convened.

Margie Milam: Okay. I'll try to capture that thought.

Rosemary Sinclair: Yes. And then we'll all help Margie by reviewing and feeding back to you.
How about that?

Margie Milam: Perfect.

Rosemary Sinclair: Okay.

And back to the current Slide 7, which is -- pardon me -- objectives and goals. And we just do a little bit of history (about) Singapore. Since Singapore, we've come up with the proposed definitions and metrics for evaluating them for discussions in Dakar, and that's really the second purpose for the workshop in Dakar, to provide the opportunity for that discussion.

And now on Slide 9, we really start to get into the substance of our discussion. So we start with the proposed definition of competition. We...

Steve DelBianco: Rosemary, I'm almost into Adobe so I could raise my hand, so I'm only going to be rude for the last time.

Rosemary Sinclair: Not at all Steve. Just keep going.

Steve DelBianco: It has to do with the charter.

Rosemary Sinclair: Yes?

Steve DelBianco: And are we saying that the charter was approved by GNSO? It begs the question about the other AC/SO's.

Rosemary Sinclair: Yes. So this - I'm sorry.

Steve DelBianco: So I was just wondering, do we know - will we be able to answer that question to say that the other AC/SO's are not bothering to approve the charter, or are they? And, when will they?

Rosemary Sinclair: Well we know that ccNSO are having a look at the charter and perhaps Olivier could update us in terms of what ALAC is thinking about the charter? So perhaps we could have a dot point that indicates that the charter is being considered, looked at, whatever by at least those groups?

And in my letter to Stefan, I'm going to ask him to forward the charter or consider forwarding the charter or discuss with GNSO Council whether to forward the charter to the GAC. So perhaps Olivier if you could just let us know what ALAC's response to this matter is, and then we can just consider whether to put in a dot point indicating that there's been some process of consideration by others, even if it's not an approval process.

Olivier Crépin-Leblond: Thanks very much Rosemary. Olivier for the transcript. At the moment, the present status is the ALAC has not voted as such on the charter itself. I think that what we'll do is to work on this in Dakar. And so we'll be able to come back to you then with - I would expect an approval, and I would also expect a formal liaison at that time. Thank you.

Rosemary Sinclair: So Margie, is there some appropriate way of just capturing the fact that other people are thinking about this, but in a way that doesn't indicate that there's likely to be decisions that would stop this work? So I want to somehow capture a flavor of considering in a positive way rather than considering you know, that the potential outcome of saying (no-no).

Margie Milam: Rosemary, it's Margie. (If I may comment)?

Rosemary Sinclair: Yes, please.

Margie Milam: If you recall, the original charter was looking to create a joint working group, and then as we got to the GNSO Council, the GNSO Council did not want to approve a joint working group so they made it a GNSO working group.

Rosemary Sinclair: Yes.

Margie Milam: So my question to you all is - you know when we were talking about having the other SO's and AC's approve the charter, that probably made more sense when we were thinking it was a joint working group. Is there still the same need to have them approve it?

Rosemary Sinclair: Not at - sorry Margie. Rosemary here. My own view is not in a formal sense, and that's the difficulty that I'm having in describing the fact that you know, we have always wanted this work to be inclusive, so it would be great if other people looked at the GNSO charter - Council approved charter -- and I'm going to speak shorthand here to make the point -- and say, "That's a terrific charter. We're going to adopt it as the framework for our own continued participation in this discussion."

Because remember at the end of this, we have our piece of work, and then the SO's and AC's - the way this is set up independently consider our work and then provide their own advice to the Board.

So what I'm trying to do is capture the kind of positive atmosphere and contribution by everybody that exists on this working group and not get tied up in those formalities that caused us a big of angst earlier on.

Margie Milam: Yes, I think that's right.

Rosemary Sinclair: Yes, so that's why I was tossing the ball to you Margie to say is there any construction of words that reflect that inclusive and positive go forward approach we have and doesn't tie us up in formal knots that are not necessary?

So I don't know. (What) could we say is loosely - that the work on the agenda for discussion by ALAC at Dakar meeting that we've heard from the ccNSO liaison officer that they are considering the work rather than the charter? And, that the charter has been forwarded to GAC for information?

Margie Milam: Okay.

Rosemary Sinclair: Perhaps we could do that in a separate slide?

Margie Milam: Well, we have - okay.

Rosemary Sinclair: Why don't we just have a go at that Margie, and everybody else, and see how that looks? And if we find that we're getting into hot water, then we can go back and delete that slide and just pick it up in discussion at the workshop?

How about that?

Okay. So - okay, Singapore. We started our work, and competition is the first definition (unintelligible).

Olivier Crépin-Leblond: Rosemary? Olivier here. Can I jump in please?

Rosemary Sinclair: Please do. Yes.

Olivier Crépin-Leblond: Thank you Rosemary. Olivier for the transcript. Sorry, and I wasn't aware that you were back on the presentation and you couldn't see the hands up. There's actually Steve after me as well.

Just a quick note. There's - I think that we have to be careful about adding more and more and more slides. I'm a little concerned about the amount of time that we have and the number of slides that we're going to end up with. If

one looks at Slide Number - is that Number 7, my personal feeling is that it's fine as it is. I am concerned that if you're going to add more slides, it might just open up more questions and more confusion in people.

Rosemary Sinclair: Yes.

Olivier Crépin-Leblond: With regards to having the working group report considered by the GNSO, ccNSO, et cetera, there's nothing wrong in any of those - in any of those SO's and AC's actually adopting the charter. Not actually voting on it or approving it as such, but adopting it is something which they can do on their own side. And, that doesn't have any repercussions for the GNSO itself. It's a - it's not a joint working group. It's a GNSO working group.

But the ALAC can, if it wishes to - and I'm only speaking here for the ALAC. We can adopt it for ourselves and say, "Yes. We like the charter and we're happy to work in there and help where we can." Thank you.

Rosemary Sinclair: Yes. Okay.

So another way of doing this is when we get to this particular slide in - and perhaps Olivier you could just say what you just said. We could just handle it in discussion at the workshop rather than including another slide.

Let me leave that thought with you and go to Steve.

Steve DelBianco: Thank you. I support Olivier's view that one slide is enough.

Rosemary Sinclair: Yes.

Steve DelBianco: And yet, we do have to confront the idea that there's people that show up in Dakar who are new to this topic. They might be troubled by the notion of, "Oh, the GNSO approved the charter," acting as if they've taken the ball and the others are free to follow. That's the last thing I want to imply at all.

I am not particularly proud of the way some of my fellow GNSO members have an unnatural fear of cross-community working groups. It's going to take a long time to solve that.

And that may have been what's contributed to this notion of not approving the charter as a contribution to a joint working group. But we know one thing; the resolution from the Board called upon all four AC/SO's to provide advice to the Board. And the most thing I want - the most I would love to do is to say the GNSO is completely on-board with this charter.

Rosemary Sinclair: Yes.

Steve DelBianco: And the presence of the other AC/SO's on the panel shows that at least some of the other AC/SO's are participating. But, let's not put another slide in here that puts it in people's face that the others have not approved a formal charter. I think it's best to be subtle and let our presence on the panel and the open and transparent way we're trying to do this as a cross-community - let that be the impression we leave as opposed to putting something in print. Thank you.

Rosemary Sinclair: Okay. I'm very happy with that approach. So not seeing any hands or hearing any voices, let's go with that. So leave this part of the slide (in-tact) - exactly the way it is.

So that's - I think back now to Slide 9 where we start (unintelligible). So competition is our first definition, and then - and I'm going to go through these quickly because I'm just looking at the structure of this rather than the substance. So we've got a definition and proposed (metric) for competition.

Then we go (unintelligible) and we make the point here that we're talking Internet users and registrants when we're talking consumer - that we've got a

definition of consumer trust. We have two (arms) to the definition and proposed metrics for consumer trust.

We've got a definition of consumer choice and two (arms) to that too, and metrics for consumer choice. And then we get into our discussion.

So back to Slide 9, which is where we start. Is - are there any comments on just the way our definitions and metrics appear now that they're on the - in the slide (format)?

Steve DelBianco: Yes, one from Steve.

Rosemary Sinclair: Yes Steve?

Steve DelBianco: Did we say the competition is the quantity and diversity of TLD registry operators and registrars? There's a chance that the word registry operator would be implied to be the back-end, and it's not. The competition we are most focusing on is having lots of different TLD's for registrants and users to choose from.

Rosemary Sinclair: Yes.

Steve DelBianco: So do we think that the way it's phrased gets to the notion of it's really about the number of TLD's? And then secondarily, it might be the registry operators behind them and the registrars that distribute them.

But first and foremost, competition is giving people the opportunity to choose among multiple TLD's. Did anyone else read this and think that it was just talking - that operator is somewhat like the back-end as opposed to the actual TLD?

Rosemary Sinclair: I must say I had that reaction myself. It's interesting when you put it up on the slide the clarity that you get.

Now are there any other reactions? Olivier I think is agreeing with this point.

Steve DelBianco: One potential way is to change it to say it's evident in the quantity and diversity of gTLD's, registry operators, and registrars.

Rosemary Sinclair: Yes, I think that's right. So (unintelligible) take some of these suggestions on board to broaden our definition of competition so that it's actually about the gTLD's, and I think (unintelligible).

Margie Milam: Rosemary, its Margie. Can you - or Steve, can you repeat where you want me to make the change and - I'm sorry. I didn't pick it all up.

Steve DelBianco: Yes. Just see if this make sense to you Margie. I would say, "is evidenced in the quantity and diversity of gTLD's, registry operators, and registrars." So there's diversity in all of those.

Margie Milam: Oh, okay. Yes, I get that.

Steve DelBianco: I mean, you could have one registry operator who's running five gTLD's serving five completely different communities, and that is diversity. That is achieving our goal, and I wouldn't want to lose credit for that it there happened to be one operator running all four.

Margie Milam: Okay. I've got that.

Rosemary Sinclair: Good. Okay. So we go to the competition mix. Evaluate the number of supplies before and after, the number of operators, registry providers, registrars, evaluate market share of those supplies before and after. So I think with the point you've just made Steve, there's a question of whether we've got a metric in regards to the number of new gTLD's (booked up).

Steve DelBianco: Yes, I would agree Rosemary. One single blue bullet at the top, which is to evaluate the number of gTLD's before and after, period.

Rosemary Sinclair: Yes.

Okay, and I keep clicking over to Adobe for hands, but I'm seeing everybody's okay, so going on to consumers, Slide 11.

Olivier?

Olivier Crépin-Leblond: Thank you Rosemary. Olivier here. I'm not sure whether you saw the note from Barry Cobb in the chat where - with regards to the metrics. "I recommend that we communicate that this is just a starter list."

Rosemary Sinclair: Yes. That is a very good point, and we need to make that point in the workshop that this is just put forward to get discussion going amongst the broader community. It's not the end point.

Margie Milam: Rosemary, its Margie. I might be able to add that point to Slide 8 because there's not much in Slide 8, and I think it might be useful there.

Rosemary Sinclair: Okay, good. Yes, it could really encourage people to come into the discussion, yes.

Olivier Crépin-Leblond: Excellent.

Rosemary Sinclair: That's a very good point.

Okay, so back to (the) current Slide 12, "Consumer trust refers to the confidence registrars and users can have in the consistency of name resolution and the degree of confidence among registrants and users that a TLD registry operator is fulfilling its proposed purpose and is complying with ICANN policies and applicable national laws."

I think that's good. Any comments on that one? If not, we'll flip over to metrics.

Steve DelBianco: One from me if you don't mind?

Rosemary Sinclair: Not at all.

Steve DelBianco: I can tell what will happen is that those who are new to our process will look at us with blank stares from the audience when they read this proposed definition.

Rosemary Sinclair: Yes.

Steve DelBianco: When they get to the second part of that one, the degree of confidence that a registry is fulfilling its purpose. And what we do when people are confused is we give examples.

Rosemary Sinclair: Yes.

Steve DelBianco: When we're on the telephone I'll always say, "Well for instance .bank. If they propose to limit registrants to be bona fide banks that are regulated, we want ICANN to hold them to that promise," remember, because that's what we talked about with trust. So that example - this slide's already crowded, but don't necessarily put the example on the slide, and I'm loathe to add new slides.

Rosemary Sinclair: Yes.

Steve DelBianco: Is it okay to verbally just discuss examples during the presentation?

Rosemary Sinclair: I think that's a great idea Steve because when you think how far we've all come, this all seems you know very clear and common sense and written in

relatively plain English. But if you go back to our early discussions, this is like being in a fog, you know, trying to think our way through this. And I always felt the examples helped enormously.

So I think for each of our definitions, where those you know practical real-life examples you know make the discussion easier, they certainly should be brought forward in the discussion. You know, around each of these topics.

And...

Steve DelBianco: Rosemary, just let me concur with you and say that all of us need to be proactive at giving examples before the blank stares begin. And we didn't - we're better off doing them verbally than in writing, because you can imagine that if I put a slide in here with .bank as an example, my phone would ring 15 minutes later...

Rosemary Sinclair: Yes. Yes.

Steve DelBianco: ...from the people that are proposing .bank who think that we are singling them out or something like that. So let's only do them verbal, but we should do them early and often.

Rosemary Sinclair: Yes. Good. That's a very important point of strategy for this workshop.

Okay, so now to metrics. We've got (up time). We've got surveys. We've got alleged violations. (Unintelligible) violations. "Law enforcement and GAC would be asked to report instances where one of the new TLD registries were conducive to or looking the other way with regards to compliance of applicable law." We might want to just do a little wording on that, "Instances of domain takedowns," yes. Okay.

So that's one, two, three, six dot points. I wonder Margie if we can just shorten that in the - on the slide or describe that behavior as being conducive

to or looking the other way with regard to compliance in a short form? Or as you say...

((Crosstalk))

Steve DelBianco: That would (unintelligible)...

Rosemary Sinclair: ...the use of language that people are familiar with.

Sorry, was that Steve?

Steve DelBianco: I was just going to make a suggestion to shorten it.

Rosemary Sinclair: Yes.

Steve DelBianco: That law enforcement and GAC would be asked to report instances of non-compliance with applicable law.

Rosemary Sinclair: Yes. Yes, that's much clearer. I mean, that's an actual case of non-compliance. The language here is talking about conducive to or looking the other way. So it's a - why I'm having trouble with the description, because non-compliance is clear. You know, you haven't done what you're supposed to do. But this is (existing) conduct that's you know a little before that on the spectrum of bad behavior.

And is - and that's why I'm asking is this language that is familiar to people, "conductive to or looking the other way"? The way - see - sorry everybody. This is the way to do it, where there are concerns in regard to one of the new TLD registry's compliance with applicable laws. So it's asked to report instances where they have concerns.

Steve DelBianco: That's a great idea, because concerns can range the gamut from being conducive, ignorant, or actual violative.

Rosemary Sinclair: That's right. Yes, that's right.

Okay, so are you okay with that Margie?

Margie Milam: Can you repeat that? Where do you want me to put concerned?

Rosemary Sinclair: Okay, it's going to be a bit clunky and we'll have to work on it when we see the slides again, but it go, "Law enforcement GAC's would be asked to report instances where they have - where there are concerns with the - with the new TLD registry's -- apostrophe -- compliance with the applicable law."

Margie Milam: Okay. I got it.

Rosemary Sinclair: Okay, thank you.

Okay, next Slide 14, "Consumer choice evidenced in the range of options available to registrants and users for domain scripts and languages..."

Margie Milam: Oh Rosemary, its Margie if I can go back, Steve DelBianco pointed out UDRP and URS judgments. Should I add URS to Slide 13?

Rosemary Sinclair: Yes. I thought we had that in there. So - oh, we've got UDRP (unintelligible)...

((Crosstalk))

Steve DelBianco: It says violations and not judgments, and I'm wondering if there's a technical term?

Rosemary Sinclair: Right.

Steve DelBianco: Is it considered a violation if you go through a UDRP and there's a judgment by the arbitrator to say that the name needs to be taken out? What is that called when a UDRP or a URS reaches its conclusion?

Margie Milam: So you're talking about a registry not performing whatever their obligations are with respect to UDRP or a URS decisions, right?

Steve DelBianco: Yes, and you use the word decision and the word violation is what's on the slide. Let's just use the right phrase. I don't know what it is, but is it a violation at that point?

Margie Milam: Well remember, there's two different things. The registries are not involved in the UDRP decisions. That's essentially implemented at the registrar level. But I believe at the URS it is at the registry level. So it's you know - I guess it depends on who has that obligation, but I'll try to come up with some wording to address that.

Steve DelBianco: And Margie, I did miss the last call so you guys may have covered this. But one of the ways you measure trust - it's measured the number of times there have been UDRP and URS complaints in .bikes versus the other new gTLD's or other registries of similar size - the incident of UDRP and URS complaints as a percentage of total registration. That doesn't...

Margie Milam: Okay.

Steve DelBianco: That doesn't require that you actually measure the judgments or decisions because they take many, many months sometimes to go through.

So none of the bullets we have here capture this - the percentage incidence of complaints. I don't want to invent stuff that the working group hasn't already agreed to, but I do remember discussing that at some point.

Rosemary Sinclair: Yes. Yes. No, we did. We did. And what we were going to try and do is to use current information that ICANN collects rather than dreaming up a whole new set of information.

Steve DelBianco: Right. And for instance if the third bullet - fourth bullet were to read, "the relative frequency - or the relative number of UDRP and URS complaints - relative number of UDRP and URS complaints," that is something we can and do measure. The word relative implies that it's somewhat a - based on the number of registrations. So if you have several million registrations and then several hundred complaints, it's not such a big deal. You could measure that against existing gTLD's.

And by using the word complaints instead of violations, we're able to pick up things early in the process because sometimes they take several months to get through to a judgment or a decision.

Margie Milam: If I may comment, Steve. I think you're talking about different things, because you're talk - there's - the registry or registrars may not have - be in violation of anything if they implement the decisions. So it sounds like you want to look at complaints, which has nothing to do with the registry or registrar action, right? It's just what third parties are doing in their - in that TLD?

Steve DelBianco: That's exactly right, because when consumers come down to their trust, the things they either trust and don't trust are domain names, and domain names are registered in the new TLD's. But if a new TLD ends up being a haven for lots of cyber-squatting violations, maybe they just - maybe they're not running their (TM) claims right?

So I do think we're getting at the - to the domain name, the third party actors, the registrants and to the relative frequency of complaints on UDRP and URS as some indication that the bad guys are flocking - the third parties are flocking to a particular gTLD and it will cause us to ask, "Why?"

Margie Milam: Okay. Okay. But that wouldn't have been picked up under those bullets, because those bullets - it's not necessarily a violation of the registry operator. They're not doing anything wrong if they're implementing the decisions. You see what I'm saying? So you've actually...

Steve DelBianco: Oh, I definitely see what you're saying, and you were focusing strictly on the culpability - the direct culpability...

Margie Milam: Right.

Steve DelBianco: ...and violations of the registry operator. And I realize that, but when it comes to consumer trust, they don't use registries; they use domain names.

Margie Milam: Right.

Steve DelBianco: So let's start by measuring, you know, the complaint incidents - and I realize that when a judgment or decision comes down it's something else to figure out whether the registry operator and registrars are following their contractual obligations to honor their decisions.

Margie Milam: Right. But do you still want to capture that as well so that this is just an additional bullet?

Steve DelBianco: No. I think the third bullet gets to your point about whether the registry agreement is being violated. That's the third bullet.

The fourth bullet was meant to be the registrants in my (opinion).

Margie Milam: Okay, got it.

Rosemary Sinclair: Okay, so we'll have a look at that when we get to the next draft.

Okay, then we move to consumer choice. I've been through that one.

And metrics on consumer choice, so, "Choice of a number of jurisdictions where registrars and registries are based." That says, "the laws where they reside, instead of having the registration agreement challenged by foreign laws intended to evaluate the choice that registrants have to be subject to different laws." "Different transparency and clarity of offerings to registrants and the number of new registrants versus existing registrants," so I think two and three are okay.

Number one...

Steve DelBianco: You might want to move them to the top instead of diving into that very complex one...

Rosemary Sinclair: Yes.

Steve DelBianco: ...those bullets.

Rosemary Sinclair: I think that's a good idea, yes. So we move those two and then get to this choice of jurisdiction.

So what we're wanting to see is that there are registrars and registries popping up in a number of different jurisdictions, yes. It's a complex idea so the language is complex, but I think we need to try and simplify in our discussion.

And that (dash) I think gets to the matter - the core of it. It's intended to evaluate the choice that registrants have subject to different laws. But perhaps if we start this bullet point with that, so it's the choice that registrants have to be subject to different laws, and then we go into perhaps the choice of jurisdictions with different laws.

Oh dear, I'm getting lost.

Yes Olivier, did you have your hand up? No? It's down again.

Olivier Crépin-Leblond: Thank you Rosemary. I was actually going to say exactly what you said. The choice of jurisdictions. So start with the choice that registrants have to be subject to different laws and we continue with the choice of jurisdictions. Because the choice of number of jurisdictions, well that's not really a choice, just choosing a number, but choice of jurisdictions where the registrants and registries are based.

Rosemary Sinclair: And leave it at that.

Olivier Crépin-Leblond: Or perhaps choice of variety or - rather than choice. So just say variety of jurisdictions where registrars and registries are based.

Rosemary Sinclair: Yes. Yes.

Olivier Crépin-Leblond: So we have choice that registrants have to be subject to different laws, and then by right you have a number of - a variety of jurisdictions. I'm getting confused now. Sorry.

Rosemary Sinclair: I know.

So we've got the choice that registrants have to be subject to different laws - variety of jurisdictions where registrars and registries are based -- full stop -- I think I suggest. Let's try that Margie and see if that works.

Now I've got to jump off this call in just a minute or two, and my apologies for that. Are there any last thoughts or comments anyone would like to make?

Jonathan Zuck: This is Jonathan, Rosemary.

Rosemary Sinclair: Yes Jonathan?

Jonathan Zuck: I'm sorry I'm not near a desktop computer, so I'm not on the Adobe Connect right now. But...

Rosemary Sinclair: Right.

Jonathan Zuck: ...I'm - my concern as the IPC rep here is that a lot of the issues that were raised by the IP community and by governments have to do with the fact that you know, the new gTLD's all get used basically as rent seeking from trademark holders and things of that sort. And I don't know if capturing the number of new registrants versus existing registrants is enough to really test whether or not these gTLD's are being used for new businesses or if they're just pointers to - or defensive registrations.

And, I think we need to make sure that there's some measure of that, whether it's in you know, identifying the types of sites that are put in place. If there's a new Web site associated with a new registration or if it's just a pointer, or it doesn't even point anywhere. I think some metric like that is going to be very important both to governments and to the IP community.

Rosemary Sinclair: Interesting Jonathan, because you're capturing that point of purpose. We've been focusing on a new gTLD saying it's for a particular purpose and then assessing whether it really is delivering against that purpose.

Jonathan Zuck: That's right.

Rosemary Sinclair: And this is sort of the other side of that coin, isn't it? The purpose of the registrants or the purpose with which registrants are kind of...

Jonathan Zuck: And the purpose of the program itself and not (even just) individual TLD. And I know that this topic in a previous meeting got moved from competition to consumer choice, and I - and it's an endless discussion about whether or not

this measure is an issue of choice or whether or not - what choice (unintelligible) with the choices they have.

But I think there has to be something of the use or the types of Web sites that came out of these new registrations, because I think that's going to be the most powerful indication about how the intersection of the opportunity and the execution of the business models you know would take place over the coming years.

Rosemary Sinclair: Yes.

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

Rosemary Sinclair: Yes Steve.

Steve DelBianco: I think Jonathan's exactly right, and the proxy we have for defensive registration is the notion that the registrant already had an existing registration in another TLD. And sometimes, they'll acquire it in this new TLD for defensive purposes, and sometimes because they genuinely think it'll bring them new traffic, bring new visitors to their Web site. I don't know which.

And it's really hard to discern that, so that's why I do think that Jonathan's metric here does get at it and we ought to preserve that.

And I do have a proposed language but a very complex one. I've been trying to put it in the chat, but it doesn't seem to be taking.

Rosemary Sinclair: Okay. Do you want to read that while we're just mulling these other points?

Steve DelBianco: If we're done with Jonathan's point I'll do that.

Rosemary Sinclair: Well only for the moment, Steve. I think if we - if you could read your other points, then perhaps we can mull over...

Steve DelBianco: Great. Okay, here we go. Here we go. The bullet - the tough bullet is this. Choice for registrants to select among registry and registrars that are subject to different national law, okay?

Rosemary Sinclair: Very nice, plain English. That's great. Yes. Yes. No, I think that gets to the nub of that matter without the technical language which I think would provide a barrier to discussion on that one.

But thanks for that. Let's try that version.

Steve DelBianco: But then I don't even think you need the dash underneath. I'll read it one more time Margie.

Margie Milam: Go ahead.

Steve DelBianco: "Choice for registrants to select among registries and registrars that are subject to different national laws, or differing national laws."

Margie Milam: Got it. Thank you.

Rosemary Sinclair: Okay. So back to this point of Jonathans. Gosh, how - Jonathan, I wonder, could we leave it with you to come back when - and Margie will send these out and we'll have an opportunity to review and provide comment. Would you be able to just think of a construction that would capture this important point, which I think we're agreeing?

Jonathan Zuck: Or I could just send a proposed bullet point to Margie now if that's helpful, and...

Rosemary Sinclair: That would be great if you could do that now.

Jonathan Zuck: Okay.

Rosemary Sinclair: And Olivier, you are wanting to make a point?

Olivier Crépin-Leblond: Yes Rosemary, thank you. Olivier for the transcript. I must say I agree with that approach. I think it would be good to have John send the point - bullet point across.

I think that we also - again, whilst the - those slides get shown, we also have to say that these are just non-exhaustive. These are not the only metrics that would be proposed for consumer choice. So we are looking at having more than that, but this is just a starter to give them an idea.

Certainly, the point of being able to find out how many of those domain names are used as defensive registrations or are used to point at exiting Web sites is something which involves actually scanning content and looking at content of things, and that certainly opens a new - a totally new door for ICANN. And, I think that would have to be discussed in the working group of course.

But yes, I - you know, if this is just a start, then great.

Rosemary Sinclair: Yes.

Jonathan Zuck: All right, I'll draft something.

Rosemary Sinclair: Okay, thanks Jonathan.

And this point of - I think I can just make it when we're putting all these slides up that this is just for discussion. It's just to get the people focused and thinking. This is certainly not the end-point of the definitions or the metrics. So we will just all of us keep making that point in the workshop I think.

Now are there any final comments that anybody would like to make about anything? And once again, I apologize for having to cut this a little bit short today.

Jonathan Zuck: The only other comment I would make, and it may end up being a part of the discussion - substantive discussion of the workshop is that that is the next step of this to actually identify the possible values for these metrics?

In other words, are - should the program itself have some clear objectives against which its measured when the time for review arrives?

Rosemary Sinclair: And in fact, the AO is - the - or the Board resolution, one or other talks about a possible target - three year target I think is the language.

Jonathan Zuck: I don't know if we should open that up as part of the discussion for the workshop.

Rosemary Sinclair: I guess it will depend if we've got time, because we included it in the earlier slides that we - you know, we're doing the definitions, measures, and proposed three-year target. That's the full scope of the work. What we're offering in this workshop is an update on the first two of those tasks, but important that we just remind people about that third task.

Any other thoughts?

Okay. Now Margie, I wonder just before we finish if you would not mind introducing Barry to us all? I saw a little email and I'm very glad that Barry has been able to join the call, but I just wonder if we could get a little bit of background?

Margie Milam: Sure. We're - as you know, the GNSO Council has a lot of work on its plate, and as staff we're trying to make sure we have enough resources to address all of the needs. And we're fortunate to have Barry join us as a consultant.

Barry, are you still on the call? Perhaps you want to introduce yourself?

He's assigned to the GNSO Council Policy team, and he'll be in Dakar to help us on the various tasks that we have at hand.

Barry, are you on?

Barry Cobb: Yes. Thank you Margie. Thank you all for welcoming. Basically, my background mostly comes from information technology. I work for companies like IBM and Adobe systems. Around 2007, I stumbled into the domain name world, and ever since then I've volunteered a lot of time working in the PDP - policy circles for the GNSO.

And just as of recent, come across the opportunity to help the Policy team out, and so here I am to see what it looks like on this side of the fence and hope to advance the ball forward with helping to make - or assisting the policy process and getting stuff done.

Specifically, I'm helping out on things with the GNSO Web site development to get that deployed, the consumer - the CCI group here and a little bit of WHOIS.

Rosemary Sinclair: Oh, good. Well, that's very useful. And that intersection between kind of technical expertise and policy expertise will be very valuable Barry in our work, so feel free to help us with your guidance and advice if we start going down the wrong rabbit hole. That's a (unintelligible).

Barry Cobb: Great. Well, I appreciate - thank you Rosemary.

Rosemary Sinclair: We're very worried about rabbits in Australia, so...

All right. Well I think - I'm not seeing any hands. I'm not seeing any voice - hearing any voices, so I think that brings us to the end of today's call. Thank you everybody for a very significant amount of work to get to this point, and some really great contributions to put us in a terrific position for our workshop.

So Olivier, your typing I see, but I think we are finished the call. Thank you everybody.

Olivier Crépin-Leblond: I was just going to say rather than typing, thanks to Margie for these fantastic slides.

Rosemary Sinclair: That is a great touch Olivier, and I thank you for that.

Margie Milam: Actually, I can't take full credit for it. Brian Peck also on the Policy Staff that's assisting this group took the first stab at it, and I just added to his work. So it's a collaborative effort on our end.

Rosemary Sinclair: Yes, that's great Margie. That's great. Well thanks to the team in that case.

Olivier Crépin-Leblond: Credit where credit is due.

Rosemary Sinclair: Indeed. Indeed.

So we will hear each other - those who are in Dakar have a great time, and the rest of us we will call in and have our workshop, gosh next - not this Thursday, but the following Thursday I think? Yes.

Okay everybody. Thank you.

Steve DelBianco: Thanks Rosemary and everyone.

Rosemary Sinclair: Bye.

Margie Milam: Bye.

Olivier Crépin-Leblond: Thanks all. Thanks.

Woman: Thank you everyone. Thanks for joining the call.

Coordinator: This concludes today's call. You may disconnect at this time.

Rosemary Sinclair: Lovely. Thank you very much everyone.

Gisella Gruber-White: Thank you (Lori).

END