Consumer Metrics Project Discussion
TRANSCRIPTION
Tuesday 20 September 2011 at 2000 UTC

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

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

                 may begin.

Gisella Gruber-White: Thank you very much, (Kelly). Good morning, good afternoon, good evening to everyone. On today's Consumer Metrics Project conference call on Tuesday the 20th of September we have Steve DelBianco, Rosemary Sinclair, Wendy Seltzer, Cheryl Langdon-Orr has just disconnected but we're dialing back to her. From staff we have Maguy Serad, Glen de Saint Géry, Margie Milam and myself, Gisella Gruber.

I don't have any apologies noted today. And we are - and Jonathan Robinson has just joined the call as well. And John Berard is on the Adobe Connect so I'm hoping that he'll be joining the call as well.

And if I can please just remind you to state your names when speaking for transcript purposes. Thank you, over to you Rosemary.

Rosemary Sinclair: Okay. Welcome everybody to our call today. Just a quick reminder from me; I sent around an email; I've got to be on a flight to Hong Kong this morning so I'll have to finish at 7:00. I'm happy of course if the discussion goes longer than that but I'll have to bail out at 7:00.

Now where I thought we were up to is doing work on the measures in the consumer trust area. But I just wondered whether there was anything anyone wanted to say about our previous work before we launch into that discussion?

Jonathan Robinson: Rosemary, I wondered if you were able to - it's Jonathan Robinson here. I just wondered if we could chat briefly about the motion and whether that's A - I'm not sure if I've checked if it's got a second at this stage and this issue about whether it's cross - this issue of a cross working group or whether that's being covered on this - I apologize if I've missed something.

Rosemary Sinclair: No and I may well have missed a lot too. But I don't think so, Jonathan. I was just talking with Steve about a seconder from the Commercial Stakeholder's Group so that will happen in the next day or so.

And I've not just had time to go back to that issue where the point you raised where we had referred to the group as a joint working group in one part and then a GNSO working group in the charter, I think; have I got that right? So when I - to be honest, Jonathan, when I get to Hong Kong tonight or when I'm not sleeping I was going to have a look at that then.

Jonathan Robinson: Great. If that - that's really great to know that it hasn't - it's not lost and you're aware of it, Rosemary. That's really it, it's just a question of whether...

Rosemary Sinclair: Yes.

Jonathan Robinson: ...that - it sort of says it's in the frame and you know about that so I won't hijack things anymore on that topic; just checking that. So that's...

((Crosstalk))

Rosemary Sinclair: Okay. Yes.

Jonathan Robinson: ...and see if that's - because it seems that there's a lot of sensitivity around - and as you probably know and are aware I'm trying to get some movement on this whole community working group thing in a separate working group but we're struggling for participation and forward-movement there.

And then - but the issue is whether or not it's okay to get going with the community group without those GNSO principals being sorted out already. And so that's where - the (nexus).

Rosemary Sinclair: Okay. Steve, did you want to raise anything from your discussion about the motion?

Steve DelBianco: I wanted to ask Jonathan, based on what he just said, Jonathan, do you anticipate someone will ask for a further deferral of Rosemary's motion because of sort of tangential concerns with process?

Jonathan Robinson: Steve, I think it's - tangential concerns are a (process). I'm not sure - the issue is around - as I understand it the fact that this appears to be a cross community working group as opposed to a GNSO working group.

((Crosstalk))

Cheryl Langdon-Orr: Well the rest of the community has given up on it being a cross community working group so that really doesn't matter.

Rosemary Sinclair: Given that the working group...

Cheryl Langdon-Orr: I'm serious...

((Crosstalk))

Cheryl Langdon-Orr: We're just - this is getting beyond a joke.

Rosemary Sinclair: Well as long as everybody commits to working on the working group even if it is not a cross community working group...

Cheryl Langdon-Orr: Well we have and we've said this on any number of occasions. The GNSO should put it through in whatever way will work for the GNSO.

Rosemary Sinclair: I'm feeling like Alice, Cheryl.

Cheryl Langdon-Orr: Yeah, I bet you are, dear.

Rosemary Sinclair: Anyway, Jonathan, more seriously I'll go back and have a look at that point and see what I can do so that we avoid the deferral. It would be good to get this motion through...

Jonathan Robinson: Right.

Rosemary Sinclair: ...and I think there is interest in the issues. And if we can deal with the remaining concerns about process then I think that would be the way forward.

Jonathan Robinson: Right, I think - so am I actually. I think you've done a great job of getting things so far. And actually, frankly, I'm more interested in the substance. And there's some interesting substance in here. So thanks a lot.

Rosemary Sinclair: Okay.

Cheryl Langdon-Orr: Rosemary, Cheryl here. Just finally on that point one of the reasons many of us notice (ask these) - people like me from other parts of ICANN that worked very hard in the reform workgroup for the GNSO workgroup proposals and outlines and draft guidelines to ensure that they were, in inverted commas, open for other and wider ICANN participations is to make all of this a nonissue. So really...

Rosemary Sinclair: Yeah.

Cheryl Langdon-Orr: ...it is a nonissue or it should be. Anyway we're here on the edges if you want us to play.

Rosemary Sinclair: And more importantly, Cheryl, we're here on the call. Okay, all right so now that we've covered that issue off - and that was good to get the issue about the motion dealt with now - we can go back to the discussion about measures in the area of consumer trust.

Now I'm just wondering if Margie or Gisella could remind me, the definition that we're using now, after our discussion series, is that the yellow one, Margie, the highlighted one?

Margie Milam: Yes that's correct. I wanted to make it really easy for us to find the definitions that we're working on. And I didn't want to throw out the prior ones because it's nice to have that history. So focus on the yellow text in the Excel spreadsheet.

Rosemary Sinclair: That's very helpful. So let me just read that. So where we're at with the definition, consumer trust refers to the confidence registrants and users can having the consistency of domain name - of name resolution from the registrar and registry and the degree of confidence amongst registrants and users that a TLD registry operator is fulfilling its proposed purpose and is complying with ICANN policies and applicable national laws.

So our focus for today's discussion is the - and I like this structure, Margie - the last column; it makes it much easier where we're trying to fill in some metrics and measures against that definition. And I wonder - Wendy, are you okay? Adverse position of fine lines.

Wendy Seltzer: I'm sorry, I was just jokingly referring to the earlier statement that were on the call.

Rosemary Sinclair: Sorry, thanks Wendy. It's a bit early and I'm just back from the Outback of Australia last night so the brain is not really up to speed just yet. I wonder, Steve, if you would mind just taking us through your thoughts on this issue just by way of a conversation starter?

Steve DelBianco: Sure, sure and because I'm traveling today I'll just list several potential metrics that we can all consider. So these are metrics for consumer trust. So picking up on the beginning of the sentence; the part that Wendy likes about

resolution, I would say that one of the metrics is the percentage of up-time for registrations both at the registry and designated registrars.

And the same percentage up-time for resolutions that go all the way back to the authoritative name server, which is the registry. So percentage of up-time and that is an element of consistency. But, I don't know, Wendy, you may have another - you may have other things in mind with respect to consistency, Wendy, and that would be something you would add.

I'll go on to say that with respect to the second half of the definition I would propose metrics as in survey determined consumer trust in TLDs. And we could pick up on the survey that's being done by the Whois review team right now and conduct perhaps an identical survey when this review is done and compare the results.

I also think we should be taking a look at reports of alleged violations or concluded violations of the proposed registry contract so that if any TLD operator has been found to or accused of violating its contract - just an accusation you never want to run with it but at least we would have an opportunity to investigate that so the number of violations of contract.

And then pursuant to the very last definition let's look at things like UDRP and URS violations by the new TLD operators in hope that we can compare that to the existing TLD operators or even just to compare it as a percentage of the total TLDs.

And then finally with respect to applicable national laws, this is really impossible for us to do this, so I think we would throw it on governments and say that our law enforcement agencies and the GAC would be asked to report incidents where they believe one of the new TLD - one of the new TLDs was either conducive too or looking the other way where there were violations of their relevant national law. And I'll stop there. Thank you.

Rosemary Sinclair: Just quickly from me - Rosemary, Steve. All of the measures that you're proposing - or that's not right - the first two measures would require additional work but on the consumer confidence, the second half, most of the mechanisms, if you like, are already in place. Have I understood that correctly?

Steve DelBianco: I think so but it's also possible that the first two, the percentage up-time, it's possible those are already statistics that ICANN is keeping in its operational capacity.

Rosemary Sinclair: Yeah, okay great. Thanks for that. Now are there comments on Steve's suggestions or additional thoughts? I see Wendy in the chat.

Wendy Seltzer: So this is Wendy. I would like to see measures of domain takedowns pursuant to claims of national law or other claims under UDRP.

Rosemary Sinclair: So that's quite similar then, Wendy, to the suggestion Steve was making or is your thought a wider thought...

((Crosstalk))

Wendy Seltzer: Well I understood Steve to be saying the registry's compliance with UDRP which might mean did they refuse or the registrars compliance did they refuse a transfer that was ordered and I...

Steve DelBianco: No, Wendy, you're right on. You have this right. I didn't say it very artfully. I think you're exactly on.

Jonathan Robinson: Rosemary, can I ask a point of clarification because I was a little bit - Steve, with your points you didn't mention registrars? Now Wendy just introduced registrars. So you're focusing entirely on registries. Was that intentional or...

Steve DelBianco: Not at all; that was a mistake on my part. I tend to focus on the registry operator when it comes to the terms they've proposed for their TLD like they might have limit registrants and they might have certain content restrictions or behavioral restrictions. That's the registry part.

When it comes to the registrars a lot of time that's where we'll look to things like takedowns due to UDRP, violations of law for the registrants where the registrar didn't follow through when law enforcement asked for information. But I think a lot of the second half of the sentence goes to registrars as well. Thank you.

Cheryl Langdon-Orr: Cheryl here, Rosemary. Sorry, I'm having a terrible draw getting into the Adobe Connect room so I'm unaware of you've got a number of hands up. Just let me know if I can speak?

Rosemary Sinclair: No, to be honest, Cheryl, I'm not seeing any hands. And we've only got a small group so I think I'm happy if, you know, people are just jumping in when there's a breath being taken so go for it.

Cheryl Langdon-Orr: Okay I'll jump back in then. Cheryl for the record. Yeah, I think what we're talking about is just a bit of word smithing. Certainly from the end user perspective that I hear in the At Large community, yes, we would definitely want to know further down into the takedowns and that is a more meaningful measure of consumer confidence if we're actually getting to the domains.

So, yeah, if we can word smith something to - that brings in that metric, Wendy, articulated that would be excellent.

John Berard: So will we - this is John Berard - will we be creating baselines against which we will measure? Will we be adopting existing statistical analysis as baseline? And then how do we adjust for the statistics that hold in essentially mature registries as opposed to the startup registries of the new gTLD program?

Cheryl Langdon-Orr: Cheryl here, if I can respond?

Rosemary Sinclair: Sure.

Cheryl Langdon-Orr: John, what I think is is, of course, as a workgroup all we're able to do is make recommendations to ICANN on what they should be measuring. And I think it's absolutely essential the baselines, you know, as many as possible historical context that we may have some that I would think they all need to be articulated and a call for them to be established under current circumstances which would mean mature registries need to be - need to be there.

Now how much measure we put on variation from those baselines is probably a matter for another analysis group because there would be I think considerable debate and indeed (era) and thought perhaps even a mission if we simply measure statistics that come from mature gTLD spaces and emerging ones.

I'm not sure all of those analysis on all the metrics will be as accurate in what we might be interpreting from them. But if a review team - and this is effectively what we're talking about - on the effects of the new gTLD doesn't have baseline metrics to work from - sorry, a new gTLD program doesn't have baseline metrics to work from that's a huge fault.

And I think what this workgroup is begin asked to do is not only establish the particular line entries that we think metrics should be taken from but also pretty much insist that if it's going to be done properly that we have some baselines done. And if they're not already in statistics selected for and collected well then they need to be.

Rosemary Sinclair: Rosemary here. Jonathan - John rather, I'm getting a bit confused. John makes a good point and it's raised the question in my mind whether the next

phase for our discussions in this workgroup, once we've identified I suppose in a preliminary way the sorts of metrics that we think might give us the information we need.

Could we ask ICANN staff to then actually source for us the existing reporting of these metrics and bring them back to our workgroup so that we can actually have a look at the numbers and the way they're reported and start to just really assess whether what we're proposing is workable firstly, just in a very practical sense is it workable.

And then, secondly, in a more conceptual sense is it actually measuring what we want to measure and can that measurement or can that information be translated, migrated, morphed, whatever the word, from the existing TLD space into the new TLD space because that of course is our focus; new gTLDs 12 months after they're introduced.

Are there any thoughts about that?

Steve DelBianco: This is Steve DelBianco, if you don't mind?

Rosemary Sinclair: Yes, Steve.

Steve DelBianco: John asked really good questions about how these actual values that are measured will be compared to either prior or to other elements of the population. But if we can assure ourselves that the metrics are available, which is what Rosemary (unintelligible) about it'll really be up to the review team to assess a lot of that.

We don't want to tie the hands of the affirmation required review team...

Cheryl Langdon-Orr: Yeah.

Steve DelBianco: ...that the Board and the GAC will appoint a long time from now. You know, we're trying to seed this thing with lots of metrics that we know can be obtained that we think fit with the definitions that we've proposed.

So whenever possible, I mean, we could potentially say that something like this that the resolutions - the registries should be available to perform resolutions at least 99.99% of the time. And we may have gotten that number because we compared it to the gTLDs over the past two or three years. And we might suggest that as a metric. Thank you.

Rosemary Sinclair: Okay. Margie, did you want to come in now?

Margie Milam: Yes that would be great. This is Margie. So as I hear you you're asking for us, as staff, to let you know what kind of metrics we currently use to evaluate the existing registries and to comment on the metrics that are discussed now to see whether there's any problem that we see initially. Is that the request? I'm just trying to make sure I've got it right.

((Crosstalk))

Rosemary Sinclair: Yeah, Rosemary here. That was my initial thought. But in fact it's not as broad as everything you're - ICANN is measuring at the moment. It's whether for the measures that we're proposing there are existing mechanisms to measure those things. That's the first point.

And the second just comes from the discussion that Steve was just leading about where the boundary of the work of this workgroup finishes compared to when the work of the review team starts.

And I think where we're getting to is a point that says our work is finished when we see what metrics are available rather than getting into the second stage which is to asses the validity of those metrics to measure the things

that we're supposed to be measuring 12 months after the (entry) of the new gTLD program. Have I got that right everybody?

Steve DelBianco: Rosemary, it's Steve. Let's check the resolution from Bruce Tonkin; the resolution passed in Cartagena which is at the top of the document. I don't have it in front of me right now because I'm standing in line.

Did that resolution also ask for advice on potential measures and values? And if it did it would be another option we'd pursue for the things where we thought it made sense. That's why I gave the example of the 99.99% on resolution up-time.

Rosemary Sinclair: Yeah.

Cheryl Langdon-Orr: Steve, Cheryl, yes it does. To quote it says on establishing the definition measures and three-year targets of those measures for competition, consumer trust and consumer choice in the context of the domain name system.

Steve DelBianco: Thank you. But we're not there yet, we're just at the...

Cheryl Langdon-Orr: Beginning.

Steve DelBianco: ...that past definition, getting into what the measures could be. I guess we should use the measures to be descriptions of things that can be measured and we'll reserve the word metrics for when we actually assign values and targets.

Cheryl Langdon-Orr: Yeah.

Rosemary Sinclair: Yeah.

Cheryl Langdon-Orr: That's a good plan.

Rosemary Sinclair: Yeah, good. Okay so now let me get clear on this. So our work includes the definition identifying the measures, looking at sources for measuring those measures and then identifying metrics for those measures on...

Cheryl Langdon-Orr: And three-year targets.

Rosemary Sinclair: And three-year targets. So that I think includes in our scope and assessment of whether what we're doing now is relevant as is or relevant as modified for the new environment.

Cheryl Langdon-Orr: I agree.

Rosemary Sinclair: Bye Jonathan. Okay any other thoughts on that? So - and of course we're not fixing this now; we're really just exploring these issues as they come up. All right well let's just perhaps hold that for the minute and press on with our discussion about the actual measures for consumer trust.

Are there any additional thoughts that anyone has had on those - the measures that we've proposed so far? If not...

Cheryl Langdon-Orr: Who is going to word smith to ensure the takedown issues and what happens at the domain end is incorporated? I'm not saying we should word - sorry, Cheryl here for the record - I'm not saying we need to word smith it now I just want to know who's going to own that activity?

Rosemary Sinclair: We've got in that window in our Adobe Connect a series of things that could, I think, be turned into dot points or different measures.

Cheryl Langdon-Orr: Okay, sure.

Rosemary Sinclair: And the domain takedowns is listed in there. So perhaps if everyone could just have a look at Margie's notes in that window.

Cheryl Langdon-Orr: This is the far one...

Steve DelBianco: And, Margie, I can't see the notes. This is Steve. But you have a sense for the kinds of values we want to assess in the new gTLD program both with respect to the register operator and the registrars. But I do rely on you for the right vocabulary and word smithing the actual phrases so there are things that ICANN staff knows and in some cases at least stuff that ICANN already measures. Thank you.

Rosemary Sinclair: Margie, Rosemary. Are you happy to take that on board?

Margie Milam: Yes, I will work with staff. It's too bad that Michael is not on the call today. We do have Maguy on but I don't know if she's familiar - has information on what kind of things compliance looks at but we'll look at from, you know, from staff perspective as to what things are out there, how we phrase them, you know, so if we're talking about something similar we'll hopefully use the same language and...

((Crosstalk))

Margie Milam: ...at the next meeting.

Steve DelBianco: Outstanding.

Cheryl Langdon-Orr: Fantastic. Margie, can I ask a question of you?

Margie Milam: Sure.

Cheryl Langdon-Orr: Thank you. Just in some of the other workgroups I've been involved in talking to the registry operators there's a difference between the metrics collected and the metrics available.

Margie Milam: Okay.

Cheryl Langdon-Orr: And it might be interesting for us just to put a pin in the board to say we might need to talk not just to ICANN compliance who are going to tell us - and staff who are going to advise us on what is collected.

But we might also need to make an inquiry which will probably fall to you to do of course directly with the registry operators to see whether there is anything of value for our workgroup's tasks in the what is available as opposed to what is collected.

You know, it'd be nice to know how meaningful and achievable some of our measures are actually and they may...

Margie Milam: Right.

((Crosstalk))

Cheryl Langdon-Orr: ...additional work. It may be something as simple as, you know, ticking a box to make it actually be collectable at the ICANN end of the spectrum.

Margie Milam: If I may reply? I think on the registry side we do have Jonathan, for example, and I don't know who else from the Registry Stakeholder Group that might be able to shed light on some of those issues. I mean...

Cheryl Langdon-Orr: Unfortunately Jonathan has just dropped off so he's - he had to leave the call.

Margie Milam: Okay but, yeah, I mean, I think they have some fairly weekly meetings if I'm not mistaken and it might be easy to task him with going back to his group and saying, you know, you know, is there some information (unintelligible)...

Cheryl Langdon-Orr: But our - Margie, our conversation needs to be more mature before that happens. So I'm just saying...

Margie Milam: Right.

Cheryl Langdon-Orr: ...we need to put a little pin in the wall to make sure we come back to it.

Margie Milam: Okay. I think that's right.

Rosemary Sinclair: And in the meantime we could ask Jonathan as a member of our group to have a look at these questions and give us some preliminary feedback. Wendy, I'm just not understanding the point you're making in the chat; would you mind just explaining it?

Wendy Seltzer: Adding a correction to the notes in the - if that's transcribing what I was saying I was - that should be related to claims of national law or under national law rather than claims of nationals.

Rosemary Sinclair: Ah, right, yes so it's related to claims of national law or other claims, UDRP in brackets. Thanks. Then I just - back to - so we're going to get Margie to just check this in terms of ICANN language and ICANN existing processes. And that - the point that I wanted to make was that at the moment what we're trying to do is understand what is currently being collected and then we can ask ourselves whether that suits our purpose.

So that's the background to that, Margie, that we're really wanting to work with existing information and existing processes as much as possible. And then after we've assured ourselves of what's available now within the current context then we can have a look to see whether we need new information and new processes.

So that's the purpose of having a look at what of the things we're proposing at the moment are being measured now by ICANN processes one way or another.

Okay is any more on consumer trust for this morning? If not we can have a little go at the next definition which was choice. Now where do I look, Margie, for our current definition on choice - consumer choice as it's consumer choice, 4.3.

Is everybody happy if we start the conversation on consumer choice?

Cheryl Langdon-Orr: Yeah.

Steve DelBianco: Okay.

Rosemary Sinclair: And if we spend a little bit of time on this then just before we finish I'd like to just revisit our timetable of activities heading into the Dakar ICANN meeting.

So let me just read this: "Consumer choice is evident in the range of options available to registrants and users for domains, scripts and languages and for TLDs that offer choices as to the proposed purpose and integrity of their domain name registrants." That's all one word.

Okay and again, Steve, would you mind just leading off with your thoughts on the measures for this definition?

Steve DelBianco: I'll let someone else take the lead; I'm in line to get my passport checked. I'll be back in a few minutes.

Cheryl Langdon-Orr: I tell you what, Rosemary, he's lucky it's not like in Australia where we're not allowed to be on our phones while we're in those spaces.

Rosemary Sinclair: I know.

Steve DelBianco: Shh, not so loud.

Cheryl Langdon-Orr: Okay, Steve, sorry. We're going to hear Steve get arrested which is really sad.

Rosemary Sinclair: Careful what you're wishing for, Cheryl.

Cheryl Langdon-Orr: No, no I don't wish that to happen, heavens no.

Rosemary Sinclair: Okay so why don't I have a little stab at this because this to me is the kind of matching bookend for the competition definition instead of measures. To me that definition is a supply side, if you like snapshot, if this market that we're looking at which is new gTLDs.

Four point three takes us back onto the demand side where we actually look at things from the point of view of the registrants and users. And we've got domain names and scripts so I guess increasing numbers of those is one measure that we can look at.

And in regard to the TLDs we'll have to look at these as they come on board to see whether by comparison to the existing operators the new gTLD operators are offering choices in purpose and integrity using the examples that we've used so many times before of .bank.

So are there any thoughts on this consumer choice set of measures?

Steve DelBianco: This is Steve DelBianco. I can only be on for a moment. And I might suggest measure the quantity of TLDs that are non (unintelligible) com and net (unintelligible) but let's say that at the end of the year, we would hope, to what we've seen (unintelligible) TLDs because that's the element of choice (unintelligible) choice and innovation.

And those (unintelligible) stop there because that's a rather formal definition. There may well be (unintelligible) TLDs (unintelligible) analysis.

Rosemary Sinclair: Steve, Rosemary here. The call is breaking up where I am. Are others hearing Steve clearly?

Cheryl Langdon-Orr: No.

Rosemary Sinclair: No, okay.

Steve DelBianco: All right, I'll have to (unintelligible) Friday then because at this point I'm (unintelligible). So I won't burden you; I'll get off now. So thanks everyone.

Rosemary Sinclair: All right we'll pick that up next time.

((Crosstalk))

Rosemary Sinclair: Thanks, Steve. Yeah. Okay were there any other thoughts from anybody on the call because we can pick Steve's suggestions up at the beginning of our next call.

Wendy Seltzer: Sure, Wendy here.

Rosemary Sinclair: Yes, Wendy.

Wendy Seltzer: I would suggest that the choice of jurisdictions to which registrants would be subject is a useful measure so the number of different jurisdictions in which registries and registrars are based and therefore the national laws to which registrants are subject.

Rosemary Sinclair: Thanks, Wendy. That - is there any work come - that - because I know ALAC was doing quite a bit of work on consumer confidence and choice. Would any of that be relevant in this area?

Cheryl Langdon-Orr: Look, it may be - Cheryl here for the record - it may be, Rosemary. But I just want to make sure that we don't drift from the activities of this workgroup which is really more definitional and less analytical.

Rosemary Sinclair: Yes.

Cheryl Langdon-Orr: And obviously I think the ongoing work in the ACs I would suggest almost as opposed to the SOs would be with the use of this - the advice we will be giving to ICANN and then what will feed into the baseline material for the review team to utilize.

It's almost as if that work will need to continue - the analytics - the concerns and informational stuff that ALAC and At Large has been doing and obviously other constituency parts of GNSO as well bringing their own concerns and vested interests to the table.

It's probably going to come more into play as that review team operates and as we comment on their sets of advices and assumptions and what they're discovering.

Rosemary Sinclair: Okay.

Cheryl Langdon-Orr: That's not to say it's not related. I think it is related I just don't think it's actually the focus of this workgroup.

Rosemary Sinclair: No, no. So - well perhaps if you could just take that onboard for us to just think whether there's any issues that ALAC has in that work been thinking about which might be relevant to our work when we're thinking about the

sorts of things that need to be measured to assure ourselves that the new gTLDs are promoting in this instance consumer choice. So...

Cheryl Langdon-Orr: To some extent, Rosemary, it could be - and I think it is a topic for another call and probably several ongoing revisits as we mature this conversation - almost a subset of what Wendy was just proposing. And that is where I think a lot of the - just thinking back on the confusion - and I don't mean confusability - and the confusion that then leads to lack of trust and therefore consumer concern is often based on the - on the current marketplace.

The lack of understanding between what a domain name registrant understands about their national laws and regulations and that is where their registry operator is and what they're subject to. So there is I think a very clear nexus there so it's very likely to be a sort of almost a subset of analysis of the...

Rosemary Sinclair: Yeah.

Cheryl Langdon-Orr: ...the measure that Wendy was just proposing.

Rosemary Sinclair: Yeah.

Cheryl Langdon-Orr: And it may be within those three-year targets that we will eventually get to that we might expect to see some sort of shifting along a continuum of either more confidence because people understand better what subject and rules, laws they are operating under or indeed more choice because the gTLDs that are coming out are allowing people to operate in more than just a limited number of roles of law.

And I put that very clumsily but I hope you understand where I was coming from.

Rosemary Sinclair: Well I find with these discussions the first time you come at these

concepts the way we all articulate them is a bit cloudy if not clumsy; certainly

that's the case for me. But as we go through things seem to clarify quite

quickly.

The other body of work that, again in this kind of thought bubble or cloudy

way that I'm thinking about in terms of its relevance in the ICANN space is

the work that's been done in the telco space. And I say this with hesitation,

but the work that's been done in the telco space in ensuring that consumer

choice is effective there's the notion has developed in the telco space of the

confuse-opoly.

So you go from a monopoly to a duopoly to a confuse-opoly where the

approach from some suppliers is to be deliberately confusing about the offer.

((Crosstalk))

Rosemary Sinclair: So the consumer is not in a position to actually make an effective choice

in terms of what they're really trying to do. So how we capture some of that

responsibility for good clear information it's one thing to have a TLD with a

particular purpose; it's another matter as to whether that purpose is being

described in language that enables a consumer to make an informed and

effective choice and therefore to put some demand-side pressure to ensure

that the market is truly competitive.

So I'm just thinking through all that at the moment.

Cheryl Langdon-Orr: Yeah. I'd like to hear what others say on that. My knee jerk reaction to

that is I don't see why that could not be a measure. We'd, you know, a

proposed measure. There is an ability and indeed, you know, third party

people - third party organizations and consultants whose reason for existence

is to look at the methods that the telco industry certainly used to confuse us.

But, you know, to take a set of language in a term and condition or whatever and see exactly how humanly readable it is. And I'm just thinking about the PhD student who has recently taken what was it some huge number of pages in a T&A I think out of Facebook, and it was some social networking thingy, and took it to, you know, 375 clear and understandable words which is making a big difference to (use) understanding what we're actually buying into.

So, I mean, there are people out there whose reasons for living - or making a living, perhaps not living themselves, but making a living is to take a piece of text or advice or contract information and see how readable and understandable it is. And I would think that could be done in any number of languages as well. So I don't see that that can't be a measure we look at.

Rosemary Sinclair: Yeah, okay thanks. Wendy, did you want to come into this conversation? I saw hands up.

Wendy Seltzer: Yeah, well I wanted - I think that your suggestion of the clarity or transparency of various offerings is a useful measure.

Rosemary Sinclair: And is there anything in the Applicant Guidebook that goes to this issue about the transparency and clarity of offers or communications with...

Cheryl Langdon-Orr: No.

Rosemary Sinclair: ...registrants I guess?

Cheryl Langdon-Orr: Nope.

Rosemary Sinclair: Is there anything there? Not? All right well if - perhaps, Margie, if you could just note down transparency and clarity and that'll at least remind us of the - of what we were talking about.

Now we've got about 10 minutes so if there are any other thoughts for the minute on the consumer choice definition let's take those. I will look at the notes, Margie, thank you. And otherwise I think we should just have a little chat about timing on the road to Dakar.

Margie, do you want to just make a quick contribution?

Margie Milam: Yeah, just back on the - I did take the notes of the transparency and clarity of offerings.

Cheryl Langdon-Orr: Yeah.

Margie Milam: I have no idea how that would be measured. And I'm guilty of being a lawyer that likes lots of words. I truly appreciate how difficult people like me make things for the...

((Crosstalk))

Cheryl Langdon-Orr: Margie there's - Cheryl here - there's a bunch of consumer and end user advocates out there in the other part of the world that is not called law who can look at the wonderful words of wisdom that you people put together and go to, you know, half a dozen selected, you know, end users that represent the group that you believe you're trying to pitch this to and ask them do they understand it and do a Q&A and a whole bunch of actual statistical measures that can, you know, give things - it's a bit like doing reader age and understandability on text.

Margie Milam: Oh.

Cheryl Langdon-Orr: But there is actually a science out there now that is doing that.

Margie Milam: Okay great, thanks for the clarity because, yeah, I wasn't aware of that but it sounds like there is a lot of...

Cheryl Langdon-Orr: And it's fairly new, Margie, and I think it's going to be come - because of the confuse-opoly that you heard Rosemary talk about it's going to become more common and that could be very useful from an ICANN point of view. That said it's predominantly in Western and English language cultures.

Margie Milam: Great. Thanks for the clarity.

((Crosstalk))

Cheryl Langdon-Orr: The other thing that I am concerned about is with our measure of consumer choice is that we need to perhaps suggest looking at a measure - and again this would be another meeting's worth of - several meetings perhaps of discussion.

There's the choice for those that are already in predominantly well-served areas. They're the ones who are already - registrants who are already connected to the .com, .net and other existing gTLDs versus those who are not at this stage given that opportunity be it, you know, and this will bring us into the IDNs and the other languages and of course the not-yet-connected or the connected through (unintelligible) technology's point of view.

So I just would like to, again, put another pin in the board to see whether we can come back for some sort of measure discussion on new registrants as opposed to more choice for existing registrant puddles. Maybe they're oceans but, you know what I mean.

Rosemary Sinclair: Yeah, no that's another important distinction that we keep in mind; new registrants versus...

Cheryl Langdon-Orr: Yeah, how many Burmese farmers are registrants now versus...

Rosemary Sinclair: Yeah.

Cheryl Langdon-Orr: ...in three year's time?

Rosemary Sinclair: Right. All right now we've got five minutes so can we just focus for the minute on the Dakar meeting? We've said that in our motion, which Polly Anna-me hopes passes GNSO Council that we will have an interim report.

And I guess this is probably a question for you, Margie, do you think we'll be in shape to have that interim report for the Dakar meeting based of course on our conversations and these conference calls but just in terms of your timing will you be able to pull together something that we could see as our interim report?

Margie Milam: Rosemary, I believe on the charter you mentioned an update - a status update and was pending...

((Crosstalk))

Margie Milam: ...a formal...

((Crosstalk))

Margie Milam: And so I'm just - want to clarify are you still talking about a status update which theoretically could be, you know, PowerPoint slides that talks about these things. That certainly is achievable. Writing a full interim report...

Cheryl Langdon-Orr: No that's a bigger deal.

Rosemary Sinclair: I am talking about a status update. I'm sorry I'm always confusing everyone with my bad use of terms. I'm talking about a status update which I think is a set of PowerPoint slides reflecting our spreadsheet really. And again just making sure that...

Margie Milam: Yeah.

Rosemary Sinclair: ...that's okay in terms of your workload.

Margie Milam: Yeah, yeah, that's fully achievable. I was going to have a heart attack if you wanted me to write a report.

Rosemary Sinclair: I'm sorry.

((Crosstalk))

Rosemary Sinclair: ...just to check that we have some time allocated for our discussion?

Margie Milam: I - no, are you talking about with respect to the weekend session or the council session or a separate session? I did put in a meeting request for a separate session. I don't know yet whether it's been granted and what time it will be but that certainly has been requested.

((Crosstalk))

Rosemary Sinclair: Okay. We probably need to have a short time in the Council meeting to just update everybody on where we're at and then we're waiting for the timing of the - or response to the meeting request.

Is there anything else that we should be thinking about at this point in regard to the Dakar meeting?

Cheryl Langdon-Orr: Rosemary, Cheryl here.

Rosemary Sinclair: Yeah.

Cheryl Langdon-Orr: I understand the update to Council; that's something that workgroups do quite regularly even if they're not just formed at the time, you know, if Polly

Anna is appointed it would be nice for you to take the floor and at least bring everyone up to speed on the work that is going on despite the lack of charter if that's the case; let's hope it's not.

But that's one thing and that's fine. But is the meeting space that Margie is talking about a meeting for us to gather together and (able) gaze across a table or is it an interaction with wider ICANN community? Because if it's an interaction with any of the wider ICANN community then we probably need to take the opportunity of expanding the slide deck from your update, notice that your update, to Council...

Rosemary Sinclair: Yes.

Cheryl Langdon-Orr: ...into something that might pose some questions and discussions and get some even small workgroup or feedback and actually dare I suggest ask the consumers and ask the industry what they think of where we're going.

Rosemary Sinclair: That's a really good idea, Cheryl. And it would - I mean, I had in my mind a continuation of the discussion that we started in Cartagena and last time in Singapore where we had a workshop on consumer issues. So I thought in that open format hoping that the people who were interested last time would, you know, come back into the room, into the conversation.

So I think your idea of a bit of an update but then getting a broader set of people involved is a terrific idea.

Cheryl Langdon-Orr: But there's a difference between people being talked at and a conversation with people.

Rosemary Sinclair: Yeah, yeah and definitely I'm hoping we're all focused on having a conversation with as many people who want to be part of it.

Cheryl Langdon-Orr: Yeah. So I'm just thinking depending on what time and space is allocated and our ability to pull it together it might be more - more interesting - it might be worthwhile to take it from the information being shared into information being discussed. That will require a slightly different format but it's something that I believe is probably doable.

Rosemary Sinclair: Yeah, no that's a great suggestion and definitely the direction we should head. Now...

Margie Milam: Rosemary...

Rosemary Sinclair: Yes Margie?

Margie Milam: One more - yeah, so I did put in the request for Wednesday - I think it's Wednesday in Senegal. So I don't remember the exact time. I think it was before - it was intended to be before the GNSO Council meeting so that's the time that I requested. Whether we get that is, you know, a separate thing.

And my description talked about it as a working group meeting because I thought that's that we were envisioning but I can always update the description to make it broader and certainly the slide deck can be modified for that purpose as well to make it more of a conversation with questions for the participants to consider.

Rosemary Sinclair: Okay well I think that would be good because I think we've built the interest and numbers of people popping into our consumer workshops.

Cheryl Langdon-Orr: Yeah.

Rosemary Sinclair: So if we position it as one more in that series then hopefully we'll get all those folks back and a few more and as Cheryl said some, you know, good input and ideas for our ongoing discussion. Great.

All right we're right on 7:00 so any last minute thoughts? If not then we'll reconvene in two week's time.

Cheryl Langdon-Orr: Thanks Rosemary. Travel well. Travel safe. When do you get back?

Rosemary Sinclair: On Monday morning, 6:00 am, you know what it's like.

Cheryl Langdon-Orr: Oh I know the coming into Sydney business, sure do. Okay talk to you later. Oh, Rosemary, sorry just before you go? When are you flying down to Melbourne for (ADA)? You're down Sunday I know that.

Rosemary Sinclair: Yes I am. I think about 4 o'clock, Cheryl.

Cheryl Langdon-Orr: Okay.

Rosemary Sinclair: I'll check and let you know.

Cheryl Langdon-Orr: Yeah, let me know because if we're on the same flight then we can share a car and I'm going down as well so we might need to just adjust our flights to be on the same flight that's all.

Rosemary Sinclair: Okay terrific, lovely. Bye.

Margie Milam: Will do.

Cheryl Langdon-Orr: Bye. Travel safe. Thanks everyone.

Rosemary Sinclair: Bye. Bye everybody.

Gisella Gruber-White: Thank you everyone. Speak again in two weeks. Safe travels to everyone. Goodnight.

Rosemary Sinclair: Thank you, Gisella. Bye-bye.

Gisella Gruber-White: Bye.

END