

## **Consumer Metrics Project Discussion TRANSCRIPTION**

### **Tuesday 07 February 2012 at 2000 UTC**

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#### Participants on the Call:

Rosemary Sinclair - NCSG / WG Chair

Cheryl Langdon-Orr - ALAC

Steve delBianco - CBUC

Tobias Mahler - Individual

Olivier Crepin Leblond - ALAC

Carlos Aguirre - NCA

Jonathan Zuck - IPC

Jonathan Robinson - RySG

#### ICANN Staff:

Julie Hedlund

Paul Redmond

Berry Cobb

Nathalie Peregrine

Apology: none

Coordinator: ...remind all participants this conference is being recorded, if you have any objections you may disconnect at this time. You may begin.

Nathalie Peregrine: Thank you very much, (Kelly). Good morning, good afternoon, good evening. This is the CCI call on the 7th of February, 2012. On the call today

we have Rosemary Sinclair, Cheryl Langdon-Orr, Tobias Mahler, Jonathan Zuck, Jonathan Robinson, Olivier Crépin-LeBlond on the Adobe, Carlos Aguirre, (unintelligible). From staff we have Berry Cobb, Paul Redmond and myself, Nathalie Peregrine. And we have no noted apologies for the call today.

I would like to remind you all to please state your names before speaking for transcription purposes. Thank you and over to you, Rosemary.

Rosemary Sinclair: (Unintelligible) Nathalie. And welcome everybody. If we go to our agenda we've got roll call, review (unintelligible) action. The only one is on me and it's on our diversity measures. And I'm still waiting on my (unintelligible) colleagues to (unintelligible). So if we could just carry that one over it may be that I'm not able to report on it until closer to Costa Rica. But whenever I can get the information I'll bring that to the group.

That then takes us unless there's any comments on other action items or matters in that regard - that would then take us to reviewing the fourth draft of our letter. And I wonder, Berry, would you take us through that?

Has everyone - before we do that has everyone seen Nathalie's request in the chat about microphones on mute to avoid echoes and background noises and so on? Berry...

Cheryl Langdon-Orr: The echo is actually not a problem now. I was typing back to Nathalie. I'm on a headset so I'm not able to mute but if it's a problem someone will have to manually mute me from that end and unmute me every time I want to talk.

Rosemary Sinclair: All right, thanks, Cheryl. Thanks, Berry.

Berry Cobb: Rosemary, this is Berry. You know, from our last call I believe we had made it through the measures of consumer trust for the most part. And I'm not sure if

we want to just go ahead and spend time on consumer choice and go from there.

Rosemary Sinclair: I think that is the way to have the meeting to just go through the last section with all of us and then we could review, you know, those previous sections with the people who have joined us today who haven't been able to be with us over the last couple of calls. So that's my suggestion; we go through consumer choice and - yes, consumer choice and then we look at the whole document.

Cheryl Langdon-Orr: Yeah.

Steve DelBianco: Rosemary, it's Steve.

Rosemary Sinclair: Yes Steve.

Steve DelBianco: Hey, thank you. I still agree we should dive right into choice but before we do we ought to give a chance to see whether you like the new format here. On our last call we agreed I would take a stab at consolidating the columns for obtaining and reporting so that instead of indicating moderate, difficult or easy we actually explain anything other than easy.

In other words we explain whether we anticipate any difficulties, whether they're moderate or severe with respect to obtaining or reporting. And so I did that. You can see that there's one column instead of two. And if you go back to the consumer trust section for just one moment you can see how what we had before got mapped into the new form.

There's no need to indicate on the first three rows for instance about anticipated difficulties; we don't anticipate any. So under the difficulty for survey I indicated because we had it as moderate I indicated that the reason we think it's moderate difficult is the challenge to gain consensus on questions and there was a cost measure.

Rosemary Sinclair: Yeah.

Steve DelBianco: So are you guys on board with that new style of displaying it? Again the goal was to give the community something to react to and hopefully community members would pitch in and say I think I can solve your difficulty there which they wouldn't have done if all we had was the word difficult or moderate. Thank you.

Rosemary Sinclair: Well just a quick response from me while others are thinking. Sorry was that Cheryl?

Cheryl Langdon-Orr: No.

Rosemary Sinclair: I really like the new format, Steve. And I was the one who was, you know, very doubtful about whether combining obtainable and reportable would really work. But the way you've done it I think is really terrific. And in fact it's more helpful than what we had before. So I think it's great.

Are there any other - Cheryl's got a comment in the chat saying it gets a big tick. Any other thoughts on this new formatting?

Jonathan Robinson: Hi, Rosemary, it's Jonathan. I've got my hand up. Just I thought it was - I mean, I haven't been involved for a while and it was very useful and easy for me to catch up by reading this document so compliments on that. And I know I had some offline conversations with Chuck and he had also - he was complimentary about the work that had been done.

I've really got a minor pedantic point and that's in kind of formatting that some of them are missing the sort of moderate or difficult beforehand. And I think the very useful format is moderate colon and then explanation or difficult colon and then explanation otherwise blank.

And I think, you know, as long as that's consistent throughout it's very useful and clear and it points you very quickly in the right direction so thanks to you and Steve and the others.

Rosemary Sinclair: Okay thanks a very useful comment, Jonathan, thank you. Could I just remind everybody that I've got a - the mobile version of Adobe Connect so I never see the hands up so if someone from the team, Berry or Nathalie or someone else, can just let me know when hands are up that would be greatly appreciated.

All right any other comments on that?

Steve DelBianco: This is Steve. I wanted to respond to Jonathan's comment. And I thought about that, Jonathan, as I put this together on Sunday. And there were two columns being consolidated into one so sometimes it was moderately difficult to obtain but it was easy to report because we didn't have any aggregation or confidentiality challenges.

So I guess we'll have to do more than just moderate colon; we'd have to say moderately difficult to compile or obtain. And what I found myself doing is I found it was much easier to just simply describe the difficulty and leave it to the reader to understand whether it's truly moderate or severe.

And I say that because we hadn't had as much thought and discussion as to what it really meant to be moderate. So I'm happy to add back in something like moderate or severe but let's do it after we've actually described what the difficulties are. And that will indicate whether it's moderate or not.

I don't trust very much our earlier assessments...

((Crosstalk))

Steve DelBianco: ...we have changed what the measures are and identified sources we haven't even anticipated when we first came up with that shorthand of moderate and difficult. Thanks.

Rosemary Sinclair: Okay well why don't we do that. Why don't we now continue to work through the document. And if we want to we can come back to this issue of just whether and how we could take Jonathan's point forward which I think is what Jonathan is reflecting his interest in a quick description of the challenges facing us when we go to actually collect and report the data.

The explanations are very, very helpful. And perhaps we don't need more than that. But let's come back to that issue after we've worked through firstly the area that we didn't work through which is consumer choice and then secondly a review of the whole document for people who have joined this particular call.

Back to Berry I think; would you mind taking us through or, Steve, would you be happy to take us through the changes here?

Steve DelBianco: This is Steve. I'm happy to do it.

Rosemary Sinclair: Okay well if you don't mind that would be terrific.

Steve DelBianco: So we start this page with our definitions. We always repeat the definition of consumer to try to remind people about that. And then we repeated our definition of choice. Range of options available to registrants and users when they want to pick a domain script and a language.

And of course range of options for choices as to the proposed purpose of a TLD like a special purpose TLD. And, you know, of course the integrity of the domain name registrant so that if an applicant for a new TLD said we are going to restrict our new TLD zone so that only chartered banks can be in the

dotBank then that conveys some sort of a promise about the purpose and integrity of their zone for registrants.

And consumers then would rely upon that when they would choose where to go on the Web, which bank to use. And registrants would rely on that when they decided where to register their bank and build up their brand.

I know I always use bank as an example. Somebody should help me with some more examples but it's such a good one...

Cheryl Langdon-Orr: Yeah.

Steve DelBianco: ...I can't resist sometimes. Okay so let's give a - right now we only have five metrics in here. The first one is Wendy Seltzer's idea which was that things have to be clear and transparent so that a registrant and the user would be able to make a meaningful distinction about making a choice.

Nobody could disagree with that. That's obvious that people can only be empowered to make a choice if they understand the options are so it has to be clear and transparent. And the distinctions between a dotBank and a dotFinance have to be clear.

Again for a registrant he makes that decision one time up front carefully deciding whether to register on dotFinance or dotBank. But users don't make that distinction in a big way; they make the distinction a little more casually.

They'll get an email from a bank that ends in dotFinance or ends on dotCom and they'll make a decision on the snap of a moment as to whether that's a trustworthy URL.

My concern here is the source is probably reading the registry proposals and marketing information that accompanies the application. And the difficulty I

added was that it's going to be incredibly tough to determine to define and measure the two nouns here of transparency and clarity.

And I wish Wendy was with us to sort of explain a little bit more about that. Does anyone on the call have ideas as to the desirability of this measure and how we solve the problem of defining transparency and clarity?

Cheryl Langdon-Orr: Cheryl here, Steve.

Rosemary Sinclair: Yes, Cheryl.

Cheryl Langdon-Orr: Thanks. Cheryl for the transcript record. I'm all for the - it being in there as a metric. I think it is a desirably or highly desirable one. And, yeah, I see the difficulty for us to measure the consumer aspects of these choices and have any thought of benchmarking on a measure at point zero and a measure at point one, three and five.

However that's only because it's not material in information that we have in the - within the legacy space beyond people comparing perhaps ccTLD equivalents to gTLD equivalents. And I don't think we should go there.

That said with the Whois Review Team having done a consumer-based survey, a sampling of the end user for their particular purpose I don't think it would be unreasonable for us to suggest that the review team involved in this activity may find this an ideal ground for exploration of a real touch the edges obviously third party run and undoubtedly cost-based and probably costly survey that review teams do have that power which is out of our ability.

So I think that's where we might perhaps footnote them or propose. Thank you.

Steve DelBianco: Cheryl, do you think that the bottom line here is to propose the use of a survey as opposed to a quantitative measure of transparency and clarity?

Cheryl Langdon-Orr: That is my tendency because I would like to avoid the next natural situation which is a comparison between user - end user perspectives and understanding of purpose and integrity between ccTLD and gTLD. And that's where I think it'll go naturally otherwise.

Jonathan Zuck: So, I mean, would you - sorry, this is Jonathan Zuck for the record. I guess my concern with surveys is that without a benchmark at the outset that you don't know how to make relative comparisons.

Because remember Bruce's original charge for this whole thing was to - that the program increase consumer trust choice and competition. And I think it would be difficult to assess whether or not the program brought about an improvement to that on the basis of a survey that said that people either found domain names clear or not clear.

Cheryl Langdon-Orr: Cheryl here to respond to that. Indeed it would if we were only suggesting it was done in the new gTLD to new gTLD line. The natural suggestion would be it would be a comparison between legacy TLDs and the new gTLDs which means if you wish to and if ICANN were so inclined it could in fact take a baseline survey of the legacy TLDs now.

And if it wanted to it could even go into the scary line of comparisons to ccTLD understanding. That said there is like one PhD thesis and I suspect many more if we want to do a literacy survey on the understandability, the interpretation and the supposed integrity. There is no comparison to purpose - proposed purpose that I am aware of studies but I'm certainly aware of academic studies that look at exactly this. People have built their doctorates on it. I'll send you a copy of one I've got if you like.

Jonathan Zuck: Yeah, except that isn't what's going to happen here. I guess that's the problem. Nobody is going to build their doctorate on it necessarily.

((Crosstalk))

Cheryl Langdon-Orr: ...baseline. I think we can establish one if we need to. And it also would be relevant if it was the only metric that we were using; it's one of five.

Rosemary Sinclair: Rosemary here. Perhaps the discussion that we've just had would be used to expand the area that we saw difficult to define and measure. Perhaps instead of having a footnote we could take some of those issues and just expand that difficult (unintelligible) difficulties column which at least then records the issues against the measure that's being considered or will be (unintelligible) considered.

Steve DelBianco: Rosemary, this is Steve. Jonathan has got his hand up.

Jonathan Robinson: Yeah...

Rosemary Sinclair: Thank you (unintelligible).

Jonathan Robinson: Thanks, Steve. It's Jonathan Robinson speaking. I think for me as it's currently phrased I find it hard to see that we could measure that anything other than in a qualitative way because it talks about transparency and clarity of the registry benefits and restrictions. Well that's really hard to measure, which clearly it says there.

That said I could see a way that one might do some kind of - I mean, clearly if there are a set of registry restrictions at least one might be able to sample that user base. And that might be either something that the registry does in any event to report on its compliance with its own restrictions.

Or that could be done by a third party and some sort of sampling basis you take a percentage and check whether they are compliant with the registry restrictions. For example, are they banks in Steve's example.

And I know that, I mean, I know from experience it's an interesting kind of example of this where you look at not a gTLD but a TLD in the UK. I mean, Nominet runs dotUK. And in the dotUK case there's a perception clearly that these are dotUK registrants behind the registrations but there are no restrictions on the location.

And in fact end users have a high degree of trust and perception of value in names registered in the dotUK space. But Nominet might argue that there's some substance behind that. But it's quite hard to - so some of it is about perception that's very hard to measure; it simply exists when you do a survey of end users that they think they're in a better place.

But certainly to the extent that there were quantitative restrictions like you must be a bank, you must be in the UK, that could be done by quantitative sample based measurement. Thanks.

Steve DelBianco: Jonathan Robinson, this is DelBianco. It wouldn't necessarily have to be sampled. If we have in the neighborhood of 1000 or so TLDs you can do them all and ask that binary question of whether the registry restrictions were apparent to a potential registrant.

And my question for you would be where would it show up? In the ICANN model it's registrars that sell us our domain names in the G side. So if I'm looking to register my automated payment company and I'm considering dotBank and dotFinance I go to a registrar and I check the availability of delbianco.finance and delbianco.bank.

I don't suppose that the registrars are the place where the potential restrictions are going to be disclosed. Where would they be disclosed? Would the registry itself have its own Website, info.bank...

((Crosstalk))

Jonathan Robinson: Well there's two ways it would work. Steve, there's two ways it would work. I mean, you would either - the registrar would either - I mean, and if anyone was the asking the question one would make a sample registration and say in the course of that sample registration were the restrictions at some point during the registration process clearly and obviously put in front of the perspective registrant by the registrar or alternatively was the registrar directed to the registry to see those restrictions.

But the normal way it works is the registrar says by the way click here to say you've read our terms and conditions. And within the terms and conditions it is buried the registries terms and conditions and the registrant, as we all do with our line contract, simply often ticks to say yes I accept the terms and conditions.

Steve DelBianco: So to follow up on that we could quantitatively dedicate a resource - it would be an ICANN resource that would visit all of the registrars selling all of the new TLDs because there's a one to many relationship there. And tick the box to say whether the terms and conditions were disclosed to the registrant prior to buying the name. And did those terms and conditions reference the proposed registry restrictions of the TLD.

Jonathan Robinson: In a nutshell yes. And also one could maybe put a measure on that. Were they very clear, moderately clear or not clear, you know, something - but yes, the simple answer is yes that could be done I guess.

Steve DelBianco: And this is different than measuring whether the registry itself is enforcing restrictions; that was above in the consumer trust section.

Cheryl Langdon-Orr: Yes...

((Crosstalk))

Steve DelBianco: ICANN has a process for that; the registry restrictions dispute resolution procedure. And here we're only talking about transparency and clarity not the enforcement of such.

So I could expand this space to indicate difficult to define and measure, transparency and clarity. There could be a survey as to the perceived clarity and transparency. And I could also indicate that another potential is to check all registrars selling new TLDs that have registry restrictions and to count the percentage of times that the T&Cs include registry restrictions. And the target would be 100%.

Cheryl Langdon-Orr: Cheryl here on the target.

Steve DelBianco: Go ahead.

Cheryl Langdon-Orr: I get nervy with 100%. But where we have reduction from previous year measures why don't we have increase or improvement from previous year measures which would also push them to have a baseline or previous year, a subzero, a sub - you know, a now versus then set of data collection points as well.

Jonathan Zuck: I guess the point, Rosemary, is that the target benchmarks aren't necessarily binary. And that, you know, it's, you know, bad registry if they don't make it. But, I mean, it is the kind of thing where what you would hope for is 100% clarity. And if it was something less than that that would just indicate...

Cheryl Langdon-Orr: Yeah.

Jonathan Zuck: ...an area to work on. I mean, that's the only - I don't know that anything - anybody needs to be punished for less 100% but it's the kind of thing...

((Crosstalk))

Cheryl Langdon-Orr: I understand that and that's my problem. Because if you start putting 100% like if you do 100% as opposed to 99.99999% up time on an FLA then some nitpicker is going to say that's a failure to comply. I...

((Crosstalk))

Jonathan Zuck: Well sure and it would never be on an SOA. I mean, I think it's more a question of...

Cheryl Langdon-Orr: No, you know, no what I'm saying is...

Steve DelBianco: It's about the goals for the program...

((Crosstalk))

Steve DelBianco: ...which have registry restrictions in them it strikes me that gosh everybody who's considering a TLD ought to see what those restrictions are at the time they're making the decision where to buy a name. Knowing that...

Cheryl Langdon-Orr: Rosemary...

Steve DelBianco: ...we'd never want to say somebody failed because this isn't a fail/pass test.

Cheryl Langdon-Orr: Okay. Rosemary...

Steve DelBianco: Do you have...

((Crosstalk))

Steve DelBianco: ...what's the level of comfort at setting it extremely high like 100%?

Rosemary Sinclair: Cheryl.

Cheryl Langdon-Orr: Yeah, I'm just - I'm going back to the issues we have in other parts of the telco world where then you start splitting hairs on the individual's ability to actually make a distinction on what the purpose actually means, what their assumptions were on the integrity.

I'm happy to go with, you know, a fraction under 100% but as soon as you say 100% you sort of leave - it becomes a pass/fail perhaps without any consequences other than reputation. But it leaves a wiggle room for interpretation is the only word I can come up with at this hour of the morning without coffee.

Of the person - it's like people who - but I didn't read the contract. There'll always be oh, I might have been shown that document but I had a migraine and no glasses that day so I didn't read it. You've just got to, you know, make sure those don't spoil the soup.

((Crosstalk))

Rosemary Sinclair: Rosemary here. I think the point that Cheryl is making is that in our measure we're combining two things. We're combining transparency (unintelligible) and clarity, you know, from the registries with decisions made by users.

And where I come down to that I think we could have a target that all registry processes offer transparency and clarity to users. But the tricky ground that we can't get into - I think Cheryl is highlighting for us...

Cheryl Langdon-Orr: Yeah.

Rosemary Sinclair: ...is we can't have a measure that says 100% (unintelligible) meaningful decision distinctions and (unintelligible) because that of course is something you can't control even 100% of our registrars have been very transparent and clear about the (unintelligible).

Have I captured that, Cheryl?

Cheryl Langdon-Orr: Yes you did.

Steve DelBianco: Rosemary, this is Steve. I believe that Jonathan Robinson and I were not indicating clarity; we're not conflating clarity with transparency in this audit. We were attempting to be quantitative, to have a binary determination about whether the registrar even showed the terms and conditions of the underlying TLD.

And that's a little bit more difficult to measure was it clear to an average reader. I'm much less comfortable with clarity but I do believe we could have a binary on/off - did every registrar selling dotBank clearly disclose the terms and conditions that were passed along to them from the registry. It could be determined. And I can't understand a world where that number could be anywhere less than 100%.

And you might also apply it to the registries because before I went to Go Daddy to get my dotBank, assuming they're allowed to carry it, I probably would go to some sort of a Website that dotBank has up where they describe what the terms and conditions are about dotBank. There's not a - I don't know for sure but does the Guidebook require that every TLD operator have a general information Website? Anybody know the answer? Berry, that would be a good one for you to help us on.

Cheryl Langdon-Orr: Cheryl here, Steve and Rosemary.

Rosemary Sinclair: Yes, Cheryl.

Cheryl Langdon-Orr: Steve, I see where you are on that specific binary and I'm happy for that to be in 100% but then we need to untether what I think part of Wendy's

original construct of this metric is and that is the consumer understanding of. Remember, you're going to just - and that can't be 100%.

So maybe we need to split it into two because all you need - it gets us back to admittedly this is a more close to compliance but it gets us back to the situation of everyone in some situations is given an end user contract and the reading of that is way, way, way under 100%.

So you don't - yes having it accessible, available and presented can't be a binary. But to measure the consumer - the end user being able to trust on that metric is a little trickier and that's where I get uncomfortable if we're aiming for 100%.

((Crosstalk))

Steve DelBianco: Yeah, so you're making a great case to split this, Cheryl, into two...

Cheryl Langdon-Orr: Yeah...

((Crosstalk))

Steve DelBianco: ...one line on the transparency restrictions both from the registries and registrars each of whom would have 100%...

Cheryl Langdon-Orr: Yeah.

Steve DelBianco: And then a separate line for clarity and understanding on the part of end users...

((Crosstalk))

Steve DelBianco: ...restrictions. And that would be survey-based or some other thing.

Cheryl Langdon-Orr: That I'm comfortable with. Yeah.

Jonathan Zuck: Yeah and then...

Steve DelBianco: Berry's chat indicates he's checking on whether the Guidebook requires a registry operator to have a site someplace. And, Berry, if you can find that then we would probably make that a requirement that that be 100% and any restrictions be contained on a general purpose Website for the registry operator.

And if there is no such requirement in the Guidebook we might still have a row indicating that that people have to be able to know before they make the decision to bet their brand on a TLD they've got to know what the restrictions are, what the proposed policies are, the long term pricing, renewal terms and things like that.

Cheryl Langdon-Orr: Yeah.

Steve DelBianco: And I don't see any hands up. Anyone else want to get in on this first measure? And Jonathan Robinson has agreed to the split. Cheryl is going to go feed the birds. And - just kidding. So I will probably split this into two rows and follow the recommendations we just talked about. No further comments.

You want to go to the next one. The quantity and relative incidents of new registrants versus existing registrants. It's an indication of choice. Try to understand if the gTLD expansion was so inviting to first time registrants that for the first time they decided I didn't have what I wanted in com. I love this expansion and I feel - I love it that I can finally get a dotMusic, a dotGay, one that's for me or I'm a financial institution and I want dotFinance or dotLoan.

So I don't know what the target would be but we've made a promise to the planet that this expansion will bring new people in. And it can't just be new

contract parties. Somewhere along the line we think new registrants will come in.

So what's the thinking about whether we can keep a measure in here - let's look at the desirability of this measure first and then we'll get to the difficulties in obtaining and reporting.

Jonathan Zuck: Well this is Jonathan Zuck. I think those are essential (unintelligible) underpinning rationale for the program itself. So that's how we'll know that in (unintelligible) new opportunities are expansion rather than just defensive registrations.

Steve DelBianco: And some portion of the registrations will be people that say I've been living in dotNet and I don't love it; it doesn't really suit me. And when dotGay came out I jumped there so I wouldn't show up in the new column but I certainly did benefit from the choice.

Rosemary Sinclair: Yes.

Steve DelBianco: That just argues that our measure will be imprecise and it won't truly measure choice but it gets partway there. I mean, per what Jonathan Zuck said. So I wouldn't set this goal very high.

Jonathan Robinson: Hi it's Jonathan Robinson. One thought I have here is that clearly it's very hard to identify individual registrants even simply on the basis of the fact that the data will be dirty. You know, one registrant registering in two TLDs might appear different even if it was the same person.

But my idea that it's ill performed it's just thinking about the national origin. Most registrants give the country of origin. And if we saw a significant change in the national origin of registrants that might be a way of measuring, you know, whether it had brought new users in from new parts of the world or even existing parts.

That might be a way where one could do quite big surveys by simply looking at that field, the country of origin. I need to think it through whether that's both practical and whether it would produce the answer. And maybe someone else can pick up the bat on there. But that's just an idea that I'm thinking of to make it practical. Thanks.

Steve DelBianco: And if I understand you properly, Jonathan R. you were indicating that rather than measure - sorry maybe in addition to measuring whether somebody already had a domain name you would want to measure what part of the world they are from and aggregate those statistics.

Jonathan Robinson: That's right. I'm thinking it's very, very difficult to measure whether somebody had a domain name or not. You know, I register jonathanrobinson.bank and how on earth do you know whether I had jonathanrobinson.com or anything else. I mean, that's a pretty difficult task because I might have registered them from completely different addresses or.

But one way, you know, if - there may be a higher level at which one could measure the data or a simpler level by simply looking at something like country of origin.

Steve DelBianco: Any other comments on this measure? What would be a potential target? Because again our goal is to get this document well enough constructed that we can publish it for public comment and to look like a bunch of crazies who hadn't thought it through. So let's be sure that we've put our best words on paper so that we can answer questions and criticism from the broader community.

((Crosstalk))

Rosemary Sinclair: Rosemary here. (Unintelligible) someone else wanting to make a comment?

Paul Redmond: Yeah, this is Paul Redmond. If you're splitting the one we just talked about earlier in two what's the difference between the latter half, registrants and users make meaningful distinctions and informed choices, versus this one, the quantity and relative incidents of new registrants?

Steve DelBianco: Paul, I can answer that. The first one on transparency and clarity...

Paul Redmond: Okay.

Steve DelBianco: ...it's strictly a measure of the display. The display in understanding that's available from what's published when one makes a decision to register a name.

The second row - the row on quantity and relative incidents - is to measure after the fact of those who registered names in the new TLDs - we don't even care whether it was clear to them or whether they understood it - we simply want to know were they new; were they first time registrants. Have they ever registered this name before in another TLD?

If Jonathan Robinson was in dotCom, jonathanrobinsonbank.com and he decides to jump into jonathanrobinson.bank hard to say that's a defensive registration.

Paul Redmond: All right, I understand.

Steve DelBianco: It may well be somebody exercising a choice. And if he's a new registrant it's certainly a choice they made because they made a choice to register a domain name where they hadn't registered one before.

Now I know that when people register names there's not a yes/no indicator to say is this your first domain name. So I don't think we're going to be able to

gather that at registration time. Are there surveys one can do after the fact?  
Hard to do as well because people change their preferences over time.

Cheryl Langdon-Orr: And purpose.

Steve DelBianco: That's right. And - well if a registry changes its purpose that's a big deal,  
Cheryl.

((Crosstalk))

Cheryl Langdon-Orr: ...registrants change their purpose, yeah.

Steve DelBianco: Okay got it, got it, got it, the registrant. Now the row after this it gets a little bit  
to what Jonathan Zuck mentioned earlier on the call with respect to defensive  
registrations. We would do the community a great service if we could design  
a quantitative way of measuring defensive registrations.

That will be a buzzword used over and over again not only in ICANN but  
maybe even some courts because a lot of brand owners are very concerned  
that the cost of defensive registrations will be the entire financial model for  
many of the new top level domains.

((Crosstalk))

Steve DelBianco: ...whether a registration was defensive or was it done to get new traffic.

Jonathan Robinson: Steve, it's Jonathan Robinson. When I saw this point I thought maybe this  
one stays and there's not - there's an additional option here or perhaps it  
could be replaced with this additional one.

But it strikes me that really the test here is the percentage of sunrise - of  
domain names registered during sunrise relative to the overall size of the

registry after one year, two years and three years or something like that. It's really what proportion of its registry is driven by sunrise registrations.

And in fact that could be relatively easy to measure retrospectively I think against existing operating registries or recently launched registries as well. Is it, you know, 20%, 25%, 30%, 10% at year - and clearly at the end of sunrise it's 100%. But it's the question to which the - the point - the extent to which the registry then goes on to successfully market to domain name applicants or registrants beyond sunrise after year one, year two and year three. So that strikes me as a key measure.

Cheryl Langdon-Orr: That's beautiful. I like it.

Jonathan Zuck: Well I think that's a great - this is Jonathan Zuck. I think that's a great measure. I think we still probably even in year two through four need to measure whether it's an original site just so we have data. I mean, nothing is going to be a perfect measure but - or if it's just a pointer, you know, forward to an existing - to a previously existing site.

Because not everybody is going to make their defensive registrations during the sunrise period. Those are all going to be fairly sophisticated registrants that do that that make use of that sunrise period. And I think others are going to find that over time that they may or may not need to register their name additionally to prevent, you know, end user confusion and phishing and things of that sort.

So, I mean, the sunrise it can't be the sole criteria for defensive registration but it's certainly a very valuable one.

Steve DelBianco: This is Steve. So as the scribe what I captured there is Robinson's innovation here is that you measure the relative share of sunrise registrations to total registrations and you measure it in years one, two - at the end of years one,

two and three. It should go down a lot indicating that the zone had broader appeal than just defensive registrations.

I think we want to capture that thought as a standalone row.

Cheryl Langdon-Orr: Yeah.

Jonathan Zuck: Yes.

Steve DelBianco: And then Zuck - Jonathan Zuck's idea is an excellent one is that the very next row should indicate that we are questing for a broader measure of defensive registrations beyond that which is recorded during a 30-day sunrise period.

There may well be a lot of brand owners who believe what Peter Dengate-Thrush and everyone has been saying that there won't be a lot of defensive registrations needed and so they didn't bother jumping into the sunrise. Oh but then six months into it a lot of squatting activity leads them to jump in and do a bunch of defensive registrations.

And without Jonathan Zuck's point we would miss that. So we need to...

Cheryl Langdon-Orr: Add it.

Steve DelBianco: ...we need to describe the fact that not only did this working group recognize that data deficiency but then we have - those perhaps somewhat (unintelligible).

The third row in this table I indicated some potential way of measuring it was whether a registrant already had the same domain in a legacy TLD. And that would be done through an audit where you go three years out. These are three-year out targets.

So third year out we measure all of the registrants in a given TLD or a sample of TLDs. And then you have to look back at some snapshot of 2011 to see whether that exact same left of the dot domain name already existed in the legacy TLDs.

Does that statistic begin to get to what you're after, Jonathan?

Jonathan Zuck: I think it certainly gets to it. I mean, it's the crunch way of doing it. And I think it definitely gets to that point. What I was trying to think of is that there's probably an automated way to do a page - http or https page request and gain an understanding from that whether or not there was a redirect and at least capture that statistic.

Again it won't be perfect; there's different reasons for redirects. But if they register a domain just to use as a redirect to an existing an existing domain that that feel like something worth measuring. Whether or not we call that all 100% defensive is another question. But it certainly feels as though there wasn't some innovation that came as a result; there wasn't some new face.

I mean, because even if I have the same domain under, you know, same second level under different first levels I may presumably create two facades to my business or something like that or portals into it. You know, because I'm a photographer I might get jonathanzuck.photo in addition to jonathanzuck.com.

But I think that if I register a domain for the sole purpose of redirecting it to an existing one that that will be interesting information to have in the context of a review.

Steve DelBianco: Great point, Jonathan. But you still might redirect jonathanzuck.photo - you might even still redirect it to dotCom and enjoy the traffic and branding you got in dotPhoto.

Jonathan Zuck: And that's why I believe it's an imperfect measure. But I still believe that it will be valuable data to have tracked.

Steve DelBianco: Okay.

((Crosstalk))

Jonathan Zuck: ...worth measuring and then decide later how that, you know, the value to place on that information. But I think the likelihood that I - unless a particular domain is incredibly well managed and promoted as a kind of a shopping mall or something like that, you know, the likelihood of buying something just for the traffic that it gets me seems less likely than feeling the need to just cover my bases in that domain.

I mean, there might be domains that are purchased that don't go anywhere and that's an interesting measure as well. I don't know.

Steve DelBianco: So what I captured there is the - after we said that sunrise alone can't be the sole measure of defensive registrations since there will be post-sunrise defenses we have two potentials. One is auditing - an automated audit where you walk the zones either all of them or sample and look for redirects and redirects as a percentage of those that just go a name server.

A second is to audit against the snapshot of the 2011 legacy gTLDs which will get you a two and a three-year snapshot of what changed.

And Berry Cobb, do you know whether we take snapshots of the zones at the end of calendar years or can that be something we can arrange for?

Berry Cobb: This is Berry. I don't have any knowledge of that kind of activity taking place at least not within ICANN. But I can't imagine that it would be difficult to do.

Steve DelBianco: And, Berry, you put an item in the chat if it's not relevant to this row I'll wait until we finish discussing this row and come back to you?

Berry Cobb: Sure. And Olivier has his hand raised as well.

Steve DelBianco: Go ahead, Olivier.

Olivier Crépin-LeBlond: Thanks very much, Steve. It's Olivier for the transcript. I've followed the discussion that we've just had now with great interest. And I agree I think with most of the measures which have - are being made for the defensive registrations. I think the quantity and relative incidents of new registrants versus existing registrants is a lot tougher to crack.

And certainly the discussions which I've seen here haven't seemed to have found any kind of serious answer to this. I just wondered whether there had been any kind of audit as to how many actual individual - or, yeah, individual registrants there are at the moment with regards to the total number of domain names that are registered.

Because if that measure has not been done due to the difficulty of it I don't see how we could then do a measure of determining whether registrants already had domains in legacy gTLDs before. So is there such a thing? Is it possible to do one?

Steve DelBianco: Berry, any insights on that?

Berry Cobb: This is Berry. I definitely have to agree with Olivier. That's a very difficult one. I mean, we can all agree that it's going to be, you know, if you were to do an average number of domains per registrants it's going to be greater than one.

But to come down with a total number of registrants given the privacy and proxy services, the dirtiness of the existing Whois data that would be a tough one but I'm not going to say it's impossible.

Olivier Crépin-LeBlond: No if I can...

Cheryl Langdon-Orr: Cheryl here...

Olivier Crépin-LeBlond: ...follow up on this. Cheryl, maybe I'll let you speak and then if I can follow up after that please.

Cheryl Langdon-Orr: ...on that specific point of Berry's if you don't mind? Thank you, Olivier. Cheryl for the transcript record. Yes I see the challenges and the difficulties but I also see a possibility of where a targeted survey or sampling method could extract some clean, in other words non attributable, data through a third party analysis.

And that would be to look at where there are portfolios held by various registrars. Now admittedly that wouldn't pick up - by portfolios I mean registrant portfolios. That wouldn't pick up registrations of names - not TLDs - registrations of names in those places where there is pure vertical integration I admit.

But where there is not, for example, the company I get all my domain names through whenever - whichever company that is by the end of 12 months I've moved what I would consider my registrant name portfolio.

And that would give on a simple my customer code number search, in other words not attributable to my name or my privacy or even what country I'm in - if it's one that isn't located in Australia for example - you would be able to get from that person - from that company I should say - a how many names in how many sectors of how many sorts I had. And I'm sure I'm not the only one in the world who does that. Thank you.

Steve DelBianco: Olivier.

Olivier Crépin-LeBlond: Thank you, Steve. And I think that might be one solution. The other thing I just wanted to say was because the difficulty is there I don't think we should pass over this. I think the metric itself is important enough to have some data rather than no data whatsoever. And so I would strongly encourage this to be kept...

Steve DelBianco: Got it. And let me just try to clarify since I tried to capture this for the first time in the draft. You're suggesting that a ratio of names per registrant, which is the total number of names divided by the number of unique registrants, is a meaningful statistic.

And I wanted you to explain again why it's meaningful and then what should you expect it to be over time in the new space if - as an indication that consumer choice has gotten better.

Olivier Crépin-LeBlond: Okay thanks, Steve. It's Olivier for the transcript. I believe the metric itself is important because ICANN has been marketing the new gTLD process as being a means to expand the domain name space by providing new - by providing names for everyone.

And a large significance of ICANN's marketing campaign has been to say new registrants coming onto the Internet do not have the space to register their domains because of the over-crowdedness of the current gTLD space.

If this metric is not undertaken there is no way to find out if we've actually reached new registrants or whether we've actually just serviced existing registrants.

Jonathan Robinson: Is it too late? This is Jonathan sorry...

Steve DelBianco: Olivier, this is Steve. I mean, if we needed to just measure new we can use something we discussed earlier which is auditing against the 2011 snapshot

of domain names that were present in 2011 in the legacy TLDs. That might be a more direct measure of new.

You're getting at this notion of how many names does a given person own. And you're thinking that over time we get new people that only own one name that number would be driven down. But help me understand philosophically why that is an indication of improved consumer choice.

((Crosstalk))

Olivier Crépin-LeBlond: Olivier here. I think we were talking across each other there because I'm looking at measuring how many of the registrants are new registrants not how many hold single registrations. So I'm trying to find exactly what it says in the books, quantity and relative incidents of new registrants versus existing registrants.

((Crosstalk))

Jonathan Zuck: ...registrars to just ask that question when they register a domain in a new TLD?

Steve DelBianco: Right, an indication where they check a box to say...

((Crosstalk))

Steve DelBianco: ...whether this is your first domain name registration.

Olivier Crépin-LeBlond: It's Olivier here. And I thought that probably would be the easiest thing to do.

Steve DelBianco: The easiest thing to do; hardest thing to get the registrars to do, right?

Jonathan Zuck: Right. Because, I mean, it might end up needing to be a contract change to do it. I mean, that's the difficulty.

Steve DelBianco: That would only take about four years. When something like this comes up if it's very difficult to get universal compliance we usually turn to surveys. While they're expensive a survey is the kind of the thing that you can go in at the end of year one and do an automated survey of all registrants in the new TLD spaces and ask was this your first registration.

Want to consider something like that as another way to get to the answer.  
Thank you.

Cheryl Langdon-Orr: Yeah.

Jonathan Zuck: It's probably worth doing. It's probably worth doing to get some kind of number. And we'll decide some kind of (unintelligible) associated with it but it's probably worth the...

Steve DelBianco: Does the team feel that that survey, while it's expensive, is more realistic than forcing every registrar to ask the question on their screen?

Cheryl Langdon-Orr: Oh money well spent because people won't and then if it's not compulsory or mandatory it's - yeah, no, money well spent if you want meaningful results.

Rosemary Sinclair: Rosemary here, Steve. I think given the, you know, the magnitude of this initiative to do that kind of survey at the end of the first year would be a very good course of action. And it really - it really goes to ICANN's seriousness of purpose around understanding the impact of this program.

Steve DelBianco: So the survey would say at the end of the first year we would do an automated walk of the new zones, some sample. There would be a email or a phone call depending on what was necessary for the survey to get a high

response rate. And it would try to discern whether the registrant was a new name and whether the registrant had ever registered any names before.

It would get to the sense as to whether the name were new and whether the registrant made this the first time they put the toe in the water of being a registrant.

Rosemary Sinclair: Yes.

Steve DelBianco: Olivier, do you feel like this is a satisfactory way to get to what you were suggesting earlier?

Olivier Crépin-LeBlond: Thanks, Steve. It's Olivier for the transcript. Yes it's better that nothing; put it this way. So I have a smile here on my face.

Steve DelBianco: Great. And we have not talked about the final column on there which is the targets, the three-year target. And it was the Board who said they wanted three-year targets to be aspirational.

Sometimes our targets are relative improvements over time. Sometimes they're fixed percentages and sometimes they're comparative statistics where you compare it to the legacy TLDs. What are the right statistics that we should be using for three year targets on these?

Rosemary Sinclair: Gosh...

Olivier Crépin-LeBlond: Steve, Olivier here...

Rosemary Sinclair: Sorry. Yeah.

Olivier Crépin-LeBlond: Oh sorry, Rosemary, please go ahead.

Rosemary Sinclair: Yeah, thank you, Olivier. Rosemary for the record. I was just thinking that it's very, very difficult for us to put any number on these. But I would think that philosophically we'd be looking for growth over three years in this area.

Cheryl Langdon-Orr: Yeah, relative (unintelligible).

Rosemary Sinclair: Yes, relative (unintelligible). Thank you.

((Crosstalk))

Olivier Crépin-LeBlond: Yes, thank you, Rosemary. Did I hear you said growth over three years?

Rosemary Sinclair: Yes (unintelligible) new registrants.

Olivier Crépin-LeBlond: Okay so I think it - okay for the percentage of new registrants I would totally agree with you. For the percentage of defensive registrations I would hope that we don't have growth over years.

But at the same time I totally agree with you that it would be very difficult for us to think of any arbitrary number at this position. So I leave this open ended. As low as possible for the percentage of defensive registrations.

And as high as - well you can't even say as high as possible because ultimately it's, you know, the success of the program is not going to be on the relative incidents of new registrants because you might get a lot of new registrants in the first year but once they have registered once they're not a new registrant any more which means their successive registrations, if they're happy with their first one, would then count as a recurring registrant thus bringing...

((Crosstalk))

Steve DelBianco: We would have to ask them - Oliver, did you have a domain name for the same purpose prior to 2012? So they would always base it off of - whenever we ask them the question we could ask them to base it off of - prior to 2012.

Olivier Crepin-LeBlond: In which case, perfect.

Steve DelBianco: Yes.

Olivier Crepin-LeBlond: Okay, thanks.

Steve DelBianco: I think that we end up with saying that over time we think the defensive registrations should decline over time, which is one way we can indicate our target. And we think that new registrars should increase over time without indicating a percentage.

And I did want to repeat, people, that those aren't two sides of the same coin. Not all registrations are either defensive or new. There are going to be others where it's an attempt to get new traffic. jonathanzuck.photo, it's hard to say that that was defensive to stop someone else from getting it.

It's not new because he already had jonathanzuck.com. It's an attempt to gain new traffic and it may have a tiny bit of defensiveness to it. But there's a gray area there, so it's probably appropriate for us to have separate measures of new -- as best as we can determine it through a survey -- and defensive, which we hope to determine through redirect (samplings).

Rosemary Sinclair: Rosemary here, Steve. I just think if it's likely if Jonathan exercises the choice that's now being made available to be jonathan.photo, then know in some sense is that is new, he may be doing it to increase traffic. But in the context of this program he's exercising a choice to take a domain - to register a domain name when he didn't have that choice before.

Steve DelBianco: Rosemary, we agree completely. But I'm saying that if Zuck were - for the survey participants he would say, "No, I'm not a first-time registrant. I had one in the legacy TLD." And when we do a walk through the zone on redirect, he may well have redirected.

Rosemary Sinclair: Yes, okay.

Steve DelBianco: I'm saying that we have to do both. We have to measure new registrants -- which are individual survey questions -- and we have to measure redirects. And we do not want to conclude that a redirect is defensive at all.

So that's why I think we have to do both.

Rosemary Sinclair: Okay.

Steve DelBianco: And not set percentages, but rather just talk about improvements to your point.

Over time in the new space defensive should go down and over time new registrants should go up as a percentage of total names in the zone.

Rosemary Sinclair: I'm happy with that, Steve. That's good.

Steve DelBianco: Berry, before we move on why don't you put in the chat something that I thought was in reference to some earlier questions on transparency of registry restrictions. Did you have an answer for us you wanted to share?

Berry Cobb: Berry. No, I was just offering up comments with respect to the topic of defensive registration during the (summarize) period, which is basically access to the zone files and that kind of nature.

But I don't have a follow-up for the earlier question.

Steve DelBianco: Do you think that what you discover though - does it get to Jonathan Robinson's idea that at the end of sunrise we can ask ICANN staff -- as part of this measurement plan -- to examine and write down the number of names in the zone the day the sunrise closed? And would that data be available?

Berry Cobb: Definitely the data should be available. To whether ICANN would do it or a third party provider, you know, it's hard to say at this point. I don't believe ICANN does that today, but I can try to find out what they do with respect to zones and if they track or measure any activity going on within them.

Steve DelBianco: Yes. Because you've indicated in your chat comment that the new guidebook requires a registry - or the registry contract requires a registry to provide access to its zone file at some point before open registration. And the day of open registration is the same - for our purposes is the same thing as the close of sunrise.

So if that zone file is open on the first day of open registration, we would indicate there's no difficulty in getting access to the zone file to simply count how many rows are in it.

The only difficulty is assigning an ICANN resource that would do that on that day. Because if you miss the first day you can't go back and get the old data unless we discover that there's archives being kept.

Berry Cobb: Correct. And I wouldn't shoestring ourselves that it may just be ICANN that can collect this. Perhaps there are providers out there that already do this or collect that data. So let's just not narrow it down to just ICANN.

Steve DelBianco: Okay. So if weren't ICANN it might be somebody like Spamhaus, (Virtual Route), or companies that make a living collecting data. But to be sure to that they were there to collect it, ICANN may have to contract with them to go capture and catalog that data.

Berry Cobb: Correct.

Steve DelBianco: Excellent. So that's the Robinson measure of sunrise to post-sunrise. We got that recorded.

Okay, we're doing well. We only have two more rows here under Choice. We're on the second to last one which is Registrant Choice among Registrars and Registries Subject to Differing National Laws.

This was suggested by Wendy in the NCUC and it's an effort to say that registrants may want choices so they can pick a TLD that is in a country that will not allow Whois access, for instance, a country that protects privacy more so than other countries.

And that that would be an example of choices so that people could pick a place that was very respectful of, say, privacy. And I might want to pick a place where the registry operator's subject to very strict laws from the banking industry.

So I thought it was very novel, a great suggestion on her part. Interested to get ideas from people about that and how we would measure it.

John Berard: Steven, this is John.

Steve DelBianco: Go ahead.

John Berard: So I think maybe Wendy is seeking to architect a solution to Whois that should be handled by the discussions about Whois. And I think it might be a little bit beyond the scope of what we're trying to do here.

Steve DelBianco: And John Berard, in addition to that I threw in my example, which is I may -- as a registrant -- want to pick a registry based in a really strong law and order country with a good court system so that if the registry operator is screwing

around, it doesn't honor their promises, I can sue them or I can count on law enforcement to crack down. So it might be broader than Whois too.

((Crosstalk))

John Berard: My point is that a bad actor's going to be a bad actor and the metrics around consumer competition, choice and trust, I don't know that, you know, I just want to know that we can establish a metric that would guard against the innovation of bad actors.

Steve DelBianco: Yes, and that wouldn't be the cause. We're not in the consumer trust category here, we're on the choice side. And you're right. Bad actors will always choose where they can get away with it. You're absolutely right.

So we're left with a dilemma here. Wendy's not on the phone to sort of defend her idea. But she won't be away long, she'll be back. And I don't think we can delete this row.

I do see some value in suggesting that having choice among applicable national laws is a positive attribute. If every single new TLD was based in the United States, that wouldn't be a good thing. It'd be better that some were based in other countries offering registrants a choice of national laws. And...

Jonathan Robinson: Steve, it's Jonathan Robinson speaking. I think this could do with a little more clarification here. It's a matter of flushing out what we actually mean here.

I think what I understood you to be saying and what seems to be the intended purpose here is that registrants have the opportunity to register amongst broadly equivalent TLDs in a jurisdiction of choice at the registry level. And ideally have a choice of registrars with whom to interact with that registry, again, so that they may choose their jurisdiction whether that's for the

purposes of freedom from restrictive practices of some sort or confidence in the legal system under which the registry or registrars is formed.

So just needs - perhaps a little, I mean, I could suggest some phrasing, but I suspect at the moment it's subject to quite a lot of interpretation. And really I think it seems to be a very good idea that ultimately choice is reflected by the registrant having the option to register a domain name of choice in a jurisdiction of choice via registrant choice. But it doesn't - if that's what's meant.

Steve DelBianco: It is. And you captured a very subtle point there is that it has to be an applicable TLD.

In other words, if I'm a general purpose, the .gay or .bank, I (unintelligible) choices. That's extremely tough to measure. And we discussed and didn't pursue that thinking that that would be very tough to do.

But I would appreciate if you would put some of what the phrasing you just had into an email to all of this group. The chat's a bit small to do it in, so an email to this group where you try to rephrase this one to achieve that clarity and then - because I do believe it's worth capturing to say that (peep) registrants do have choices to select registries and registrars who have differing legal regimes.

And we can do that without implying it's about Whois. As John Berard indicated that's really a third rail for us. I'd rather not touch that because we don't want this to be some proxy for Whois policy.

Rosemary Sinclair: No.

Steve DelBianco: Assuming, Jonathan, we're able to rephrase it. How does one measure this? I guess the lawyer's survey of the nation of incorporation for every registry and the same thing for every registrar. And we would measure the diversity before

the new TLDs were launched and then measure it in Years 1, 2 and 3 and we'd like there to be more diversity in the new TLD space than there was in the pre-2012 space.

Is that enough that it's more diverse? Or do you think Wendy would argue that everybody should have a choice of at least two national regimes for their applicable TLD?

Rosemary Sinclair: Rosemary here. Steve, I don't think you can get to that point. You can only really get to the point that people have jurisdictional choice without requiring each jurisdiction, for example, to offer .bank.

Cheryl Langdon-Orr: Yes.

Steve DelBianco: But having at least two just says that...

Cheryl Langdon-Orr: More than one.

Steve DelBianco: Before I pick my banking TLD I'm going to look and - say there's three of them out there. There's .finance, .bank and .loan. They're all applicable for me. And it turns out they're all headquartered in the UK. Well then I will fail Wendy's test.

Cheryl Langdon-Orr: Yes.

Steve DelBianco: I will fail our test and I will fail our test of diversity.

Cheryl Langdon-Orr: I agree.

Steve DelBianco: But an absolute way to measure, to say that any applicable TLD there ought to be more than once choice, and I wouldn't make that an absolute requirement. And the other way is to just measure it relative to the existing TLD space today.

Rosemary Sinclair: Yes, Rosemary again. I'm just having trouble with the notion of a measure that forces market development. We need to just measure what the market is producing.

And for example, I might decide if my choices are (.finance.uk) versus .com, for whatever reason I just prefer to go with .com. So the choice is there for me and I've exercised my choice even if I go back to (unintelligible).

So I'm happy with measuring what happens rather than incorporating a requirement of any sort into the measure.

Steve DelBianco: Rosemary, here's the threshold question. I agree completely with you. This is only about measuring the goals for the new TLD expansion. It's never supposed to force market participants to do things they wouldn't have otherwise done.

We are going to force ICANN to measure stuff that they wouldn't have otherwise measured.

Rosemary Sinclair: Yes.

Steve DelBianco: But I don't believe we are going to put our finger on the scale of the market and tip it. We're endeavoring to see did the new gTLD (expansion) deliver as promised.

And one of the promises was consumer choice. And this is the measurement after the fact, in this case whether registrants had more or fewer choices. They're certainly going to have more choices than the (previous) space. But will there be a greater diversity of national laws or applicable TLDs?

Rosemary Sinclair: Okay. So the measure is whether there are more than - or whether there are two choices being offered in a particular jurisdiction.

Steve DelBianco: Other way around. Other way around. Whether there are at least two jurisdictions in which I can find a TLD that suits me. Other way around. The challenge is what TLD suits me.

If I'm looking for an ecommerce TLD, then I might look at .shop and .buy. Let's say the two of those are launched. And if they're in different countries then I have satisfied the choice metric.

The new TLD program will have satisfied the metric without even trying. This was not something that could be engineered, it could only be observed after the fact.

Rosemary Sinclair: Okay. But then we're going - someone is going to be making a decision that .bank, .finance and .loan are the same thing and (unintelligible).

Steve DelBianco: Exactly, that's the dilemma. And Robinson brought that up earlier when he quoted the metric. It's extremely challenging to say what are suitable TLDs for a given applicant. This is a tremendously difficult thing to do if we add that layer of complexity.

We could back up a step and just plain measure how many countries are the legal host to new TLDs. Let's say it's 75.

Rosemary Sinclair: Yes.

Steve DelBianco: And compare that to what it is today. And Berry Cobb will help us by analyzing the 21 gTLDs we have today, and find out that they're in 12 different national jurisdictions.

So we went from 12 choices to 75 choices and we'll check the box to say that there are more choices of national jurisdiction after the new gTLD program

than there were before. I don't know that we would've expected any different answer to that.

So that's the brute force way to do it.

Rosemary Sinclair: Yes.

Steve DelBianco: A (ambitious) way is to do it and only count them within applicable TLDs, suitable TLD classes.

What's the group think we should do?

Rosemary Sinclair: Well Rosemary here. For the purposes of the public comment phase, I think we should include the ambitious measure to see whether others in the community have a suggested way forward.

I suppose my thinking about this piece of work that we're doing is it will be a better piece of work for us taking the (unintelligible) through the complex thinking that we have to do when you're approaching the apparently simple task of measuring the effectiveness of the new gTLD program.

So I opt to include it even though it's very difficult, rather than just fall back to the (singular) (unintelligible) measure without including any reference to this particular issue. Thank you.

Other views on that?

Steve DelBianco: (Paul Redmond) has his hand up.

Rosemary Sinclair: And again, I can't see the hands. So thanks, Steve, for taking the (unintelligible) on this one. Paul?

(Paul Redmond): No, I mean, I guess it didn't lower from last time. Sorry.

Steve DelBianco: Rosemary, your recommendation is to put both measures in here, the more suitable TLD measure of diversity of national law, and the other one which is just a total of all TLDs.

And this may be the first row for which we need to add a footnote because it might be a little small to jam some of this explanatory pros into these tables.

So I can do that and see what the group thinks of that new draft. And Jonathan Robinson, you're going to send us new pros. And if you could, please, follow Rosemary's request and write two paragraphs. One that includes the measure for all TLDs as if they're all suitable, and then one that tries to cut it into subsets of suitable. Can I ask you to do that?

Jonathan Robinson: Sure.

Steve DelBianco: Okay, there's one more on here. It's called the Statistical Measure of Geographic Diversity of Registrants and new TLDs. And that would mean a scan of Whois data to determine what country they're from. And we could compare it to the legacy TLDs if they can be done in an automated way.

We have doubtful on this one. And Berry gave us that advice in terms of being able to get the data from Whois. And we also have a doubtful because we're awaiting some wisdom on how one measures diversity. If there's statistical measure of diversity that's used in the economics or demographics deals.

And I think, Rosemary, you and Cheryl, others have been trying to get a handle on that.

I'm sure that once we put this out for public comment, some brilliant soul in the ICANN community will provide us with a measure of statistical diversity. I guess a bigger challenge for us is can we get the data.

Olivier Crepin-LeBlond: Steve, Olivier (unintelligible).

Steve DelBianco: Go ahead, Olivier.

Olivier Crepin-LeBlond: Thanks Steve. Olivier for the transcript. The measure of diversity - geographic diversity, wouldn't this be to do with the percentage of registrants from various different countries? So you'd effectively have a percentage of registrants from Country X and from Y and from zed and finding out if countries which were relatively underrepresented -- as far as registrants are concerned -- are being as a percentage of all registrations being represented better than they were before.

That said, the very fact that this would require zone and Whois data is something which I agree would be very difficult to collect. Thank you.

Steve DelBianco: Olivier, let me just respond real quickly. A measure of diversity is more absolute than that. It might be zero to one where zero diversity is that everybody's from the same country. And a perfect measure of one would be that every country's represented equally.

And I'm unaware of the math necessary to do that. But that's what we're requesting for is some measure - a single measure of diversity.

What you described was a little more targeted where you pre-identified underrepresented areas and then tried to measure whether they improved their representation. And that's doable. That wasn't what we had captured here so far. We could enhance this measure to look at that.

But let's turn to the issue of Whois data.

Is it possible in the new TLDs with thick Whois, is it possible to walk the zones of thick Whois data and obtain the country of the registrant? And look to Berry and Jonathan and those of you who are closer to give us an answer.

Berry Cobb: This is Berry. I think that that's easier than some of the other metrics, especially with the thick Whois model, which is required.

But just to carry on do this. I can visually see a statistical measure of geographic diversity among the types of registrants of any new gTLD. The question is is how does that represent consumer choice?

We're only depicting the statistic of the registrants and where they may be registering them, but does that really have anything to do with the choices of TLDs that are presented to them?

Steve DelBianco: Berry, this is Steve. You were sitting with me when Annalisa Rogers brought this up in the (Jakar). And let's try to remember what the rationale was. Maybe the minutes would've captured it.

But I believe she was saying that if we observe that after the new gTLD program there's greater diversity of where in the world registrants are coming from. Then that would be showing that we produced choices for people in a new TLD program that weren't there before.

So presumably the existence of IDN gTLDs will be a choice that wasn't available prior to 2012. And if people exercise that choice we could measure it by an increased diversity of where registrants come from.

That's my best recollection of what Annalisa said.

Cheryl Langdon-Orr: Yes, I agree. I think that is the intent. We haven't been able to (consume) it, but that certainly was how I interpreted it at the time. That was Cheryl for transcript record.

Steve DelBianco: So the registrants are acting on...

Cheryl Langdon-Orr: Opportunity and choice.

Steve DelBianco: Opportunity -- thank you -- opportunity to register new names, registrants from around the world, acting opportunities to register.

Cheryl Langdon-Orr: And Cheryl here for the record, Steve. The usefulness of this is, for example, is in a whole lot of new gTLDs. We have -- even in IDNs -- registrants who are predominantly claiming location in a geography which is akin to the legacy ones. In other words, predominantly Europe, North America. You know, we know where the hotspots are. We've got maps of that already.

Then that would presumably be a measure that indicated there was not an increase (fit) of choices and opportunities rather the savvy preexisting market or the ones who exploited the new gTLDs as opposed to new registrants coming into the market.

Steve DelBianco: That doesn't necessarily indict the gTLD expansion program...

Cheryl Langdon-Orr: No.

Steve DelBianco: ...that maybe those other parts of the world weren't really read yet.

Cheryl Langdon-Orr: It's an observation because you've got accessibility issues, you've got all (those) things. And you'd then be able to look at measures between IDN and non-IDN spaces.

I think there's -- pardon the pun -- opportunity here for some interesting analysis.

Steve DelBianco: Any other thoughts from the team?

I will add a little more explanation in the (Call I'm Under) measure, i.e. registrants acting on the opportunity to choose TLDs - new TLDs.

I'll add a little color to the Anticipated Difficulties column indicating that we believe that automated access -- the thick Whois data -- should be doable. But retaining the idea that we still need a measure of geographic diversity and that is a difficulty we'll acknowledge.

Is everyone onboard that the target is that that diversity should be greater than in legacy TLDs?

Cheryl Langdon-Orr: Yes.

Steve DelBianco: Or should we also add over time? By Year 3 that diversity measure should be greater than it was in Year 1 or something?

Rosemary Sinclair: Rosemary here. I think we should add over time because, you know, it'll take a little while for people to really understand the opportunity and (put that) together. So I don't think we should be worried on Day 1 if we don't see this diversity. But we should be worried if by the end of Year 3 we're not seeing it.

Steve DelBianco: All right. Any other thoughts (unintelligible)?

And Berry, Olivier and Cheryl are all discussing on the chat how privacy and proxy will completely defeat whatever we do in terms of walking thick Whois.

So to the extent those are growing we probably would disregard from our account privacy and proxy registrations. Everybody okay with that?

Cheryl Langdon-Orr: Happy to disregard, but I actually think it's an (unintelligible) that maybe less of an issue the moment the registrants in the world tend to come from

the parts -- geographically speaking -- that have greater involvement interest, insight and opinion on things like privacy and proxy.

The couple of billion we're looking at to come - yes, privacy's an (unintelligible). Why would you use a proxy server? But yes, (unintelligible) column.

Steve DelBianco: I guess we should make that note wherever we talk about walking Whois data that privacy and proxy registrations will skew our account?

Cheryl Langdon-Orr : You have to call (that) out of the data sets.

Steve DelBianco: All right, any other - I do have one new one to add to this table. I can't believe we've left it out.

But our definition of choice includes options and domain scripts and languages. And we didn't actually - it was so obvious we didn't even put a row in for it.

So I got to add a row for that that says...

Cheryl Langdon-Orr: You actually want to have some (unintelligible), do you?

Steve DelBianco: ...(unintelligible) choice among TLDs and (unintelligible). Duh, duh.

Man:               Oops.

Cheryl Langdon-Orr: You radical, you. Fancy wanting to have multi-scripting, I don't know.

Steve DelBianco: Absolutely. All right, everybody take a breath, take a break and then we move to the last section. We have half an hour on our schedule.

Cheryl Langdon-Orr: Yes.

Steve DelBianco: Rosemary, it's in your hands.

Rosemary Sinclair: Okay. So now (unintelligible) to - so we've completed all the measured choice. Choice is done. We've done it. So we've done competition, consumer trust and consumer choice. And I thought it might be good since we've got some new people on the call today to just get their reaction to the earlier part of (unintelligible).

Cheryl Langdon-Orr: (No) we've got to do measures of competition, Rosemary. Sorry, Cheryl here.

Rosemary Sinclair: (Morning) Cheryl. Sorry Cheryl. Measures of competition. Okay, so we're back on that page. Because we've done some measures on the way through, so sorry about that.

Okay. So as we do this, and perhaps if there are any comments from new people on the call about the measures, we can take that as we go. Sorry, I'm confusing myself (unintelligible).

Okay. So would you mind, Steve, leading us through this?

Steve DelBianco: Right. The measures of competition -- which are on Page 9 -- and again we have a - competition is defined as the quantity, diversity and the potential for market rivalry, gTLDs, TLD registry operators and registrars.

It does occur to me that today a lot of ccTLDs have taken on g characteristics.

Rosemary Sinclair: Yes.

Steve DelBianco: Yes, .co for example. And given that, it's entirely possible that our definition ought not have the gTLD but only TLDs because there's market rivalry

among all TLDs, TLD registry operators and registrars without respect to whether they're g or cc.

What's everybody think of that? Dropping the g from the definition?

Rosemary Sinclair: Rosemary here. I can see (unintelligible) I think we still should have a measure of gTLDs even if we do the whole market measured TLDs. Cheryl?

Cheryl Langdon-Orr: Yes, I'm again - I think I'd rather go belts and braces and just prune it to TLDs.

So my major reason - and believe me, as a board member of an operator of ccTLD, yes I would see (I think) competition with gTLDs all the time. Our market edge is very much, you know, we market against gTLDs in our country actively and successfully.

But so yes, I think that's - definitely the rivalry is there and we perhaps could measure it (unintelligible) and mandate and what the affirmation of commitment asks for was all that gTLDs.

So I certainly not want to remove gTLD from that definition, Steve, if you want to just put in gTLDs, TLDs and TLD operators and registrars, then belts and braces works for me. But I'd rather not change it than prune it out from the g space.

Rosemary Sinclair: Yes.

Steve DelBianco: Okay. So if we dive into the actual measures. First four are relatively straightforward. They're just the quantities of before and after expansion. And everybody expects this to go up.

Naturally we'll have more TLDs. We'll have more unique operators both for registries and registrars or backend service providers.

So the question would be should we set a target, an increase of X%? It seems lame to simply say an increase since everyone knows by definition we'll get an increase.

Cheryl Langdon-Orr: Can I ask Berry - Cheryl here for the record. Can I ask Berry, is there any talk around the hallways of what the utopia is in terms of ICANN (turns)? Are we sitting around dreaming of 30% in 3 years or 300% in 3 years? Just a scale of measure, not an actual measure is what I'm after.

Berry Cobb: Berry. I'm not aware of any hallway talk like that. Actually I don't know.

Cheryl Langdon-Orr: Okay.

Berry Cobb: If I were to, you know, take a look at this, personally I think quantity of gTLDs before and after expansion really has to do with, you know, how many of them are still in operation after a given timeframe.

I'm not necessarily sure if that, you know, it is an end result of competition that a registry provider opens up their new shop with their new TLD and fail six months later. And we start off with hypothetically 100 new TLDs and after one year only 50 of them still exist. Isn't that a function of competition that they weren't able to compete?

But in terms of just a strict number of we start with 21 that we have today and we're going to move to 100 tomorrow and then 200 TLDs in 3 years. Is that really a statement of competition rather than just plain expansion?

Steve DelBianco: Good explanation, Berry. Would that be food for thought where we would consider dropping this first measure? Or does it argue for a particular kind of a target, Berry?

Cheryl Langdon-Orr: Could I ask Tobias' opinion on that? Because I'm a little too naïve on the wonderful world of how markets measure competition. I'm suspecting that it's actually arguing for a measure that I'd like some real expertise and advice.

Tobias Mahler: Well this is Tobias. I'm not sure if I can offer this expertise, but at least perhaps there are two different notions of competition.

And one would be the new entrants are somehow competing on the same market. So by just counting them you could say, "Oh there is a lot of competition." So that's basically one notion of competition.

I'm a little but unsure about whether this is the notion of competition this group wants to capture or whether it's something else. But at least as we define it now, competition is defined as the quantity and so on of gTLDs then the answer would be yes.

There is a second notion of competition which is -- at least in the European regulatory framework -- often called effective competition. That looks at the market structure so, for example, if you have complete monopoly on the one supplier, then you would definitely have not effective competition.

And at least in the telecoms market in Europe one would agree that where the market share of 40% or so there's a dominant (unintelligible) the European commission would not define that as effective competition.

So that means in the European regulatory framework that certain particular rules apply. It's lawful to be a dominant actor, but that just means that the market is structured in a particular way where it is not effective competition.

Does that help?

Cheryl Langdon-Orr: It does - Cheryl here for the transcript record. It does greatly because it helped me think that what we also need to do is not just collect this (role)

number data, but also collect the (role) number data and then (purpose) and analysis between likely purposed gTLDs.

It also means that we need to have a parallel measure of what is effective competition as defined in different market sector. Because sitting with my Asia Pacific hat on as opposed to your European hat on, the aversion to monopoly is vastly different, for example, in some of the sovereign states and territories that I work with. And of course having the opportunity for even a monopoly operator in some countries and sectors that are, for example, in an IDN scripted world only just becoming accessible to end-users, consumers and even having access to the Internet is a current issue for some of this space.

I would still see even a monopoly operator as an increase in opportunity, but clearly an opportunity for competition. And where it is measured at Day 1 verses Year 3 is going to be the variable we'd be looking at.

Tobias Mahler: Well just to follow up briefly on that. I think there is an interesting historical parallel, at least with the telecoms market in Europe. Previously there were monopolies - national monopolies, and then that opened up. So new entrants were able to come into the market and provide telecom service.

Cheryl Langdon-Orr: Yes.

Tobias Mahler: And what turned out then in around 2002, 2003 was that the regime that was implemented allowing new market entrants did not change that much because of the dominance of the previous monopoly.

So that led them to a new regulated regime where the main goal was no longer established competition, let new market - entrances to the market, but also to somehow regulate the market in order to improve a situation that was perceived as not absolutely perfect where there was too much dominance.  
Thanks.

Rosemary Sinclair: Rosemary here. It seems to me taking account of all that background discussion, we do need a simple measure around quantity before and after because that's at least a start point, having new entrants into the market.

The more difficult and longer term measure is whether those new entrants are providing effective competition. It seems that's where we go back to Tobias' point about the process of rivalry.

Perhaps for the first three years (unintelligible) for the first five or ten years, when new entrants came into the market people were satisfied to measure the number of and (unintelligible) marketed its new licenses or new carriers -- so here it would be new gTLDs -- but reserving somehow or making the point that it would be necessary over time to ensure that those new entrants were in fact exercising some power in the market and making the market more competitive.

Remembering of course that in this analysis that we're doing -- unlike most (talk) of regulatory analysis that I've seen -- we're actually suggesting measures on the consumer side.

So we're not measuring competition alone in market share, number of licenses, whatever, as the economists usually do. But we've actually got some specific measures about consumer choice. And perhaps the combination of those measures, quantity of new entrants on the one side and exercise of consumer choice provides us with good (unintelligible) of this field.

I'm not sure, Steve, where that takes us in terms of rows and measures. But I suppose to come done for me, I think quantity of entrants in this competition box combined with exercise of choice in our consumer choice box is a good enough balance.

Steve DelBianco: This is Steve. I'll only contribute - I'm learning a lot from the discussion and I know that with Tobias we have an expert here.

This is the area where we spent the least amount of time scrutinizing our measures. And the one thing we've said about it is we're all very uncomfortable about pricing, which is at the bottom half of this table. Both the ability to obtain prices and the implication that lower prices give you better value. They may not. Maybe a higher price is well worth it in a special purpose TLD.

So we haven't even got into the pricing. We're up on what we thought were the easiest rows of all -- the quantities -- and we haven't even dove into the center section, which was the new entrants.

So I'm at a loss as to where to go with this next. I thought perhaps we would have a quick consensus on the quantity measures. But why don't we see if we can get some -- before we all run out of gas here -- could we get some kind of a conclusion on the four quantity rows?

Rosemary Sinclair: Okay. So Rosemary here. The quantity of gTLDs before and after (were) mentioned. I think we should keep the row. And I think we can only really shoot for an increase. I don't think we can say an increase of 10% or 30%. It might be that the review team has other sources of data and can go there, but I don't think we can. Pardon me.

The next - so we've got the suggestion...

Steve DelBianco: Rosemary, let me just suggest that if we don't put any target...

Rosemary Sinclair: Yes.

Steve DelBianco: ...it feels embarrassing to me because it's self-evident.

Rosemary Sinclair: Yes, I agree.

Steve DelBianco: We know we'll have new TLDs. And I can just see community members weighing in saying, "What were we thinking?"

Cheryl Langdon-Orr: I agree with you, Steve. Cheryl here, for the record. I think there's a reason to put a target of a percentage even if it's - and we do recognize it's a target. The investment in inverted (commerce) on this process would be listed in the annals of history as farcical if we were looking at a 10, 15, 20 or even 30% over 3 years from our 21 existing at the moment.

The order of magnitude needs to be significantly higher if this is to be measured as meaningful and successful expansion.

Rosemary Sinclair: Okay. So any other views on the call about that?

Berry Cobb: This is Berry. How about not listing a target per se, but stating that, you know, these quantity metrics are a base to the overall metrics that we're trying to attain across the three definitions?

You know, many of these metrics on all three of them will require some function or another that we do know what the current quantity of registry operators are, the current quantity of registrars are. But to put just necessarily a target on there for the sake of putting one I'm not sure buys us anything.

From what I heard from Tobias, it sounds like, you know, if they're - just the quantity of entrants by themselves isn't necessarily an indication of competition. So that we don't necessarily keep it blank, we just state there isn't really a target yet to be defined, but they are a base metric for us to use across all the other metric. If that made sense.

Cheryl Langdon-Orr: It makes sense, Berry. Cheryl here for the transcript record. And I'm happy to have it sub-(sected) out like that if need be, and it might be that there is a significant need to do that.

The other way -- or perhaps as well as -- if we were to put in a target - and I'm really nervous here in terms of that's why I was hoping for some sort of order of magnitude feedback, it's a bit like looking at a business plan and measuring it. If we could use terms which are admittedly soft terms like significant increase, but then fallback on statistically what is significant when we do the measure, that would make me feel a bit better.

Steve DelBianco: You say at least doubling, but doubling doesn't feel anywhere close to an order of magnitude of 200 TLDs.

Cheryl Langdon-Orr: Yes.

Steve DelBianco: If you include the ccns in this space -- things like .co, etc. -- are all very readily substitutable for things like (coms). Is it possible that this is the quantity of TLDs total before and after? And if you did that with a couple hundred ccns, does that change the whole number system a little bit.

Cheryl Langdon-Orr: That could...

Steve DelBianco: We're not looking at 21 as the base. We're looking at more like 270 as the base.

Cheryl Langdon-Orr: That could work. You know, that could work very well, Steve.

Steve DelBianco: And yet if we're unable to set a target and we already know they're going to meet an increase, I would end up arguing against deleting the row rather than keeping it in a way that's either self-evident or too vague.

That's why I'm pushing for the specificity rather than vagueness.

Rosemary Sinclair: Steve, Rosemary here. Just how specific did you suggest we should get?  
Sorry if I make you go over this again.

Steve DelBianco: On the assumption that it's total TLDs we're at roughly 300. I would say that doubling in the number of total TLDs including ccs.

Cheryl Langdon-Orr: That works.

Steve DelBianco: A hundred percent increase. If instead our base was 21, then I would say we want an order of magnitude, which goes from 21 to the order of 200.

Rosemary Sinclair: Uh huh. Oh gosh.

Steve DelBianco: Two different ways to skin that cat, right?

Cheryl Langdon-Orr: Yes. And to be honest, I'm more comfortable bringing it down to - out to TLDs as opposed to narrowing it to gTLDs on this. Because it allows us the opportunity to capture that very important aspect of market opportunity competition from a consumer endpoint perspective and the rivalry that does exist between some ccTLDs and the legacy TLDs we know about in the g space. But undoubtedly we'll increase in the expanded marketplace.

John Berard: So this is John. Steve, Cheryl, how do we handle things like .tv, .la, .co? Just can't ignore the cc space.

Cheryl Langdon-Orr: But that's what I'm saying. By putting it as TLDs -- as Steve suggests -- means...

John Berard: Okay.

Cheryl Langdon-Orr: ...we are not ignoring it. We are capturing it and deliberately so.

John Berard: Excellent.

Rosemary Sinclair: Okay, so Rosemary here. (You should be) doing that I think where we'll have to put a footnote in explaining why we're doing that. (Unintelligible) as being very focused on gTLDs.

Cheryl Langdon-Orr: But I think that's going to actually -- Cheryl here for the record -- do a very good thing if we footnote that. And also if we make sure we highlight that in our presentations in Costa Rica is (unintelligible) in the community that Olivier and I represent on this work team, the discussion on the aspects of ccTLDs versus gTLDs in terms of competition and choice is already going on.

So you're in (unintelligible)...

Steve DelBianco: Cheryl, this is Steve. Earlier in the call, I mean, I dropped it when it didn't seem like there was consensus. But earlier in the call I suggested we actually change the definition to drop the g for just this particular measure for the same reasons that folks are discussing right now.

So I hope we'll be able to come back to that at some point. I'll park it as a footnote as well.

Because that could be where we discuss this is up in the definitions section where we define competition, we clarify that this expansion needs to create competition amongst backend providers, registrars, registries and TLDs to compete for this space. And today that competition crosses from the g into the c space and back again.

The total TLD space is the universe of competition, not just the g subset.

Rosemary Sinclair: Cheryl?

Cheryl Langdon-Orr: If expand it up there at the very beginning, then yes, that's fine. It was just dropping it from title only that I wasn't happy with. I was happy to add in ccTLDs, all ccTLDs, but not just (unintelligible).

Steve DelBianco: Oh great, okay. Fantastic then. I'll make a proposed language to explain that up in the definition section. And if everybody's cool with it we just simply carry down to here.

Cheryl Langdon-Orr: Yes.

Rosemary Sinclair: It's Rosemary. I think it's much better to have it up in the definition section rather than in a footnote somewhere.

We're almost 5 to 9 my time. Could I just throw out Berry's been in the chat making all sorts of points. Berry, would you mind just sharing your thoughts with the group?

Berry Cobb: Yes Rosemary. This is Berry. Again, I keep referring back to our definition of competition. And it's ultimately about just the service providers of this market.

And while we're focusing in on the quantities of these, ultimately it's about whether they succeed or fail is the true gauge to competition. And again, Tobias, please back me up with more expertise.

So it just makes me wonder about the targets. In a perfect state we wouldn't want any of these providers to fail absent of planned consolidation or acquisition.

But in the community many think several will fail. Perhaps looking over time that, you know, it could be a declining percentage of failures or something along those lines.

Rosemary Sinclair: Right.

Cheryl Langdon-Orr: Areas of new measure? Cheryl here.

Berry Cobb Please go ahead.

Cheryl Langdon-Orr: Would that be as a new measure?

Berry Cobb: No, I'm really just focusing in on the targets. I mean, I still agree, I mean, all four of these quantity measures are valuable measures -- as I mentioned before -- in terms of baselining all the other metrics.

But just purely as a function of whether these service providers succeed or fail is -- to me -- the defining moment of measuring competition within this space.

Cheryl Langdon-Orr: Cheryl here again. That's the rationale for why I thought it would be a new line -- sorry my birds are going berserk because there's birds of prey going over -- because it would be a new line in the table to measure three years out the sustainability of the gTLDs.

Rosemary Sinclair: Rosemary here. And Tobias might want to make a comment.

I'm not aware if we have a market analysis of people looking at failures as either a measure of effective or ineffective competition. That's what happens in a market. And perhaps (unintelligible) your markets working effectively.

So I'm thinking - I guess what I'm thinking is that it's taking us to a subset of measures about the market which is possibly too focused for our purpose, which is evaluating this big initiative.

Having said that, if we were to have a series of measures that indicated there was no increase in the number of gTLD operators because of time, once we

started to explore that we could see that that perhaps is because some are exiting the market and some are coming into the market.

But that seems to me like a healthy market, people coming in and out. So a measure which says we don't ever want anyone to fail is I think a realistic measure. So I'm just uncomfortable of that degree of (unintelligible) features we're getting to in this suggestion by Berry.

Having said that, we've got about three minutes left on this call. And I think we're still on number one in the quantities section. Am I right?

Cheryl Langdon-Orr: One to four. They're being bundled.

Rosemary Sinclair: So obviously we need to finish this work before we put this document out for public comment.

Cheryl Langdon-Orr: (Unintelligible).

Rosemary Sinclair: I think - just give me a minute. Berry's last comment in the chat. Sorry everybody.

So we need to talk about next meeting, yes. And I guess the way we've been doing that in the past is for Berry, (Nathalie), the team, to send out a Doodle poll pretty quickly and for us all to respond within the order of a week or so.

Are there any comments on that (unintelligible)?

Cheryl Langdon-Orr: Can we meet again next week and try and finish this table off? Because if we do that and we're not shifting our schedule out.

Rosemary Sinclair: Yes. I'm happy to do that, Cheryl. I guess that's what I was flagging in articulate (unintelligible) everybody else. Is everybody okay to meet again next week, finish this table?

Steve DelBianco: Yes.

Rosemary Sinclair: Okay. Same time, same space works for me.

Steve DelBianco: And thanks to everybody that commented in writing over the past several days. That was really helpful to stimulate the discussion.

Rosemary Sinclair: Okay, Berry would you - oh (Nathalie) mind just confirming with the Doodle poll same time, same place (if we could).

Steve DelBianco: All right.

Rosemary Sinclair: And once again, my apologies to everybody. Because I'm traveling I'm using the mobile version of Adobe Connect and I can never see the hand. So if the conversation has been a bit all over the place, I apologize for that. But I think it's been a very good conversation nonetheless.

Cheryl Langdon-Orr: Here, here.

Steve DelBianco: I'll try to turn around a (V5) in the next 24 hours.

Rosemary Sinclair: Okay, thanks Steve.

Cheryl Langdon-Orr: Thanks Steve, it's been really good. I think we're getting there though, (mate).

Steve DelBianco: Good, I think so too. (Cheers) everyone.

Rosemary Sinclair: Thanks everyone.

END