Consumer Metrics Project Discussion
TRANSCRIPTION
Tuesday 24 January 2012 at 2000 UTC

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Participants on the call:
Rosemary Sinclair – NCSG / WG Chair
Cheryl Langdon-Orr – ALAC
Olivier Crepin Leblond – ALAC
Steve delBianco – CBUC
Tobias Mahler – Individual
Carlos Aguirre – NCA
Jonathan Zuck - IPC

ICANN Staff:
Julie Hedlund
Berry Cobb
Paul Redmond
Nathalie Peregrine

Apologies:
John Berard – CBUC
Wendy Seltzer – NCSG

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

Nathalie Peregrine: Thank you very much (Kelly). Good morning, good afternoon, good evening. This is the CCI call on the 24th of January 2012. On the call today

we have Rosemary Sinclair, Cheryl Langdon-Orr, Carlos Aguirre on Adobe and we're going to get him connected very soon; Tobias Mahler, Steve DelBianco and Olivier Crepin-LeBlond.

From staff we have Berry Cobb and Julie Hedlund and myself Nathalie Peregrine. We also have apologies from Wendy Seltzer and John Berard. I would like to remind you all to please state your names before speaking for transcription purposes.

Thank you and over to you.

Berry Cobb: Great. Thank you Nathalie. Rosemary before we get started, just like to announce that Julie Hedlund will be taking over for Margie Milam. Margie's somewhat busy with the whole RAA stuff. So kind of swapping out helping me out with this working group.

Rosemary Sinclair: Okay.

Berry Cobb: And you'll see before you we've got a proposed agenda and an actions items list that we probably ought to run through real quick...

Rosemary Sinclair: Yes.

Berry Cobb: ...so you can kick us off. Thank you.

Rosemary Sinclair: Yeah. Sure. Did anybody have any comments on the agenda before we get into it? If not, then if we can just go through the action items Berry.

Berry Cobb: Great. Thank you Rosemary. This is Berry. The first one to determine if ICANN can acquire wholesale pricing of domains from registries and an automated method to collect pricing from registrars.

I'm disappointed to say as I still do not have a response back yet and that's really about the only update I have for that. So we'll go ahead and continue to carry that one over. I think based on some secondary comments from the last meeting that probably may not make a whole lot of difference with respect to how the working group carries forward. But anyway, I'm still pressing to get the response back from them.

Rosemary Sinclair: Thanks Berry. The next one is mine. And I've been in touch with the head of School of Economics and he's given me the name of one of their academics whose been doing some work on diversity measures in the context of assisting competition.

It's summer in Australia so that academic is away at the moment. But when they come back which will be probably mid February, I'll get onto them and see if I can just get some - the simple ideas that we can put into this work at this relatively early stage. And then enough so that if people want to pursue it later they can do that. Okay. So that's mine.

Now the third one is Cheryl and/or Olivier.

Cheryl Langdon-Orr: Yeah. We discussed that last time and I thought we'd decided that we weren't really going to bother...

Rosemary Sinclair: Okay.

Cheryl Langdon-Orr: ...(unintelligible) the perspective of the measures as raised.

Rosemary Sinclair: Yeah.

((Crosstalk))

Olivier Crepin-LeBlond: If I may.

Rosemary Sinclair: Yes Olivier.

Olivier Crepin-LeBlond: May I add something please? Thank you Rosemary. It's Olivier for the transcript. Actually since the lat time that we've spoken, I have received an email from Annalisa Rogers who apologized profusely for not having replied earlier because she had email problems. But then she didn't follow up after that.

Rosemary Sinclair: Okay.

Olivier Crepin-LeBlond: So it's really up to us whether we wish to wait or just mark it as complete. I think that judging from where - to taking the transcript of the meeting at the time, it was pretty clear that I think she was just making a suggestion on there. But if I do receive follow up from here, I will forward it to us. Thank you.

Rosemary Sinclair: Okay. Thanks Olivier. So we'll regard that as closed for the time being. The next on Berry, that's complete. And then stayed the third draft. That's complete. And then Berry the compliance breech metrics. That's complete. So I think...

Berry Cobb: Yeah.

Rosemary Sinclair: ...that is all our action items unless there's any comment.

Berry Cobb: Correct. Rosemary - it's Berry. I did send out a presentation from the compliance team that contains the breech metrics and some of the Whois accuracy metrics that they track. As we get into some of the line items in our metrics matrix, maybe we can pull up that presentation if we wish to dive deeper into understanding what they do. But we do have that information.

And Rosemary, just to continue on...

Rosemary Sinclair: Sure.

Berry Cobb: ...I omitted a seventh action item here and that was I did send out a doodle poll about a possible meeting on the 31st. I've only received seven responses and we're just above 40 - just about 50% on who can attend and who cannot attend. SO it's really up to the team and where we probably conclude today whether we wish to try to fit in that meeting on the 31st or not.

Rosemary Sinclair: All right. Could you remind us Berry just at the end of the meeting to come back to that because mine would have been a yes except I'm traveling. So it really depends I guess whether there's work that we want to handle. So let's come back to that at the end of the call.

Berry Cobb: Very good.

Rosemary Sinclair: Okay. So now our third agenda item is to review the working group charter to reconfirm the work direction. And we're going to do this by actually looking at the charter.

Berry Cobb: I can bring this up. After conclusion of the last meeting we didn't cover this particular action item and that's...

Rosemary Sinclair: Right.

Berry Cobb: ...why this is being carried over. I did send out an email just kind of highlighting some of what had occurred in the last meeting. And I did take a look at the charter. You know, my own personal interpretation I think we're pretty much spot on. Give me just a second and I'll bring this up and we can review it here online.

                       Okay. You should be able to see that in your window by now hopefully.

Woman: Yes.

Rosemary Sinclair: Yes.

Berry Cobb: Okay. First section, Section 1 is working group identification. That should be good. Section 2 is mission, purpose and deliverables. If you'd like me to read this off, I can or...

Rosemary Sinclair: Yes. Perhaps if you could quickly just read it for us Berry. It keeps disappearing off my screen for some reason. I'm just doing iPad, so that might be why.

Berry Cobb: Okay. Mission and scope. The working group aims to develop a report for consideration by SOs, ACs in developing their responses - response to the request arising from the following Board resolution on December 10, 2010.

Whereas the area of consumer choice, competition and innovation as one of the strategic areas for ICANN and the 2010, 2013 strategy plan with a link. Whereas ICANN is committed to promoting competition, consumer trust and consumer choice in the affirmation of commitments.

Whereas if and when new gTLDs whether in ASCII or other language character sets have been in operation for one year, ICANN has committed to organize a review that will examine the extent to which the introduction or expansion of gTLDs has promoted competition, consumer trust and consumer choice.

Resolved on that date the ICANN Board requests advice from ALAC, GAC, GNSO and ccNSO on establishing the definition, measures and three year targets for those measures for competition, consumer trust and consumer choice in the context of domain name system. Such advice to be provided for discussion at the ICANN public meeting in San Francisco March 2011.

Objectives and goals. Produce a report to be given to each of the AC/SOs for their consideration. The working group report could be considered by GNSO, ccNSO, GAC and ALAC in forwarding advice to the ICANN in response to the Board resolution. Each AC/SO may act independently on the working group report and may endorse all, part or none of the report findings.

Deliverable and timeframes. The working group is expected to carry out activities identified in this charter in order to product and update reports to the GNSO Council at the ICANN Dakar meeting. And then the remainder is just pretty much the standard template.

Rosemary Sinclair: Okay. That's good. And are there any comments on that? Anyone wanting to pick anything up from the last meeting? And I don't think I'm seeing hands on my iPad Adobe Connect.

Woman: No hands are up.

Rosemary Sinclair: Yes. Okay. That's good. So we might just have to watch that as the call proceeds. Okay. So if we're all right with that, then if we can go back to our agenda, which I'm not seeing at the minute.

((Crosstalk))

Olivier Crepin-LeBlond: Rosemary.

Rosemary Sinclair: ...me a format. Sorry. Is it Olivier?

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

Rosemary Sinclair: Yes.

Olivier Crepin-LeBlond: Thank you Rosemary. Just wanting to ask one question. When would this be effectively finalized? When can I send this over to the ALAC?

Rosemary Sinclair: The charter Olivier?

Olivier Crepin-LeBlond: Yes.

Rosemary Sinclair: Okay. Well the charter's been accepted by GNSO Council. So would have thought if - that it would be ready for ALAC to consider whether ALAC wanted to endorse that as well. Are there any other thoughts on that issue?

Steve DelBianco: Agreed. Share it and encourage any and all AC/SOs to either embrace or adapt it to their needs. But at this point is it a little bit cart before the horse? I mean we're about to put advice out to the community in the next few weeks. Do we want the charter process to go under way at ccNSO or at ALAC?

Rosemary Sinclair: Yes.

Steve DelBianco: Of course at this late date if ALAC decided to vastly improve the charter, we would be unable to meet specific requests in the charter given that we would be finishing our draft for community review at about the time ALAC would finish the charter changes.

Olivier Crepin-LeBlond: Well that's the thing. That's why I asked the question.

Rosemary Sinclair: Yes.

Cheryl Langdon-Orr: Well I wouldn't foresee much in the way of proposed charter changes. The ALAC doesn't need to of course endorse this at all. We can conduit it back to the - the way it's written it's conducive to share the outcomes anyway.

Steve DelBianco: May I make a...

Cheryl Langdon-Orr: Sorry.

Steve DelBianco: I was going to say may I make a suggestion that Cheryl, Olivier and any other folks here from ALAC by all means share the charter and I hope maybe at the end of today we could share a draft o four advice letter. It's in an effort of inclusiveness and keeping everybody apprised.

But I don't want to suggest that the ALAC undertake the work of revising it and approving a charter. Rather than save their time and weigh in on the actual advice letter when we post it.

Olivier Crepin-LeBlond: Well I think Steve - I think as Cheryl said, I'm not quite sure whether the ALAC has the time anyway as well to work heavily on the charter and try to change things on it. I think the charter in itself looks fine. And really it's probably the advice letter that the ALAC will have to concentrate on.

So we're in agreement here and if I do pass it over to the ALAC, which I probably will at the end of this call, then I'll - I will add that at this moment in time. I don't think either ALAC members nor ALAC staff have any bandwidth to start redoing charters and do process work when...

Cheryl Langdon-Orr: Cheryl here.

Olivier Crepin-LeBlond: ...really what we want to do is actual proper work.

Cheryl Langdon-Orr: Cheryl here.

Rosemary Sinclair: Yes Cheryl.

Cheryl Langdon-Orr: (Unintelligible) on that Olivier without wishing to teach my grandmother how to suck eggs. I think if you just give it to the ALAC list as a piece of advice informing them that this is now the - it's the charter has come back to the workgroup. The workgroup has accepted this charter.

And that as a constituent part of this workgroup, the ALAC representation on this has been very strong, the least of which has been through you. And that all of the ALAC representatives on this workgroup are more than happy with this charter.

So we just - I say we toss it to them and say here you are children. This is what we've done. Not actually ask advice. And in the same time say here is an early draft of. This will be discussed in full as (face) advice letter. We want to have it on our Costa Rica agenda blah, blah, blah and say give them the work to do at the same time as tell them not to touch the bloody charter with barge pole thank you very much.

Rosemary Sinclair: Right. So Olivier you happy then with what your next step with the charter in ALAC is?

Olivier Crepin-LeBlond: Absolutely Rosemary. Thanks very much.

Rosemary Sinclair: Yes. Okay. That's fine. Okay. So now I've lost the agenda again.

Cheryl Langdon-Orr: Why were we looking at it on the - on our agenda for this workgroup? Last time I looked at that I thought it was a fait accompli. I'd already, you know, made any comments on Version 1.0. And I did wonder why we were chewing over it again.

Rosemary Sinclair: I think it was just to remind so Cheryl before we finalized the draft advice to release to the community.

Cheryl Langdon-Orr: Sure. So if it's simply making sure we're road mapping back to the...

Rosemary Sinclair: Yes.

Cheryl Langdon-Orr: ...actual (deal) at hand, then that's fine.

Rosemary Sinclair: Yes. Yes.

Cheryl Langdon-Orr: But I just wondered why we were being asked to comment on something that I thought we'd voluntarily put to bed.

Rosemary Sinclair: Yes. No I - that's my recollection of why we...

Cheryl Langdon-Orr: Okay.

Rosemary Sinclair: ...just wanted to have a quick look at it. All right. Thank you. Now as I say, I can't see our agenda but I think we're moving on to the next item, which - is that the draft advice letter Berry?

Berry Cobb: Yes Rosemary. They're actually swapped. We were going to go through the matrix first and then the advice letter...

Rosemary Sinclair: Okay.

Berry Cobb: ...but I think I recommend going through the advice letter first and then we can jump over into the matrix.

Rosemary Sinclair: Okay. So Steve would you mind taking us through this? I sent some comments but I think I was commenting on the previous draft and I only sent my comments late this afternoon. So my apologies for that. But would you mind leading us through this discussion of the draft advice letter.

Steve DelBianco: I could do that and Tobias is on the line. He sent some markups.

Rosemary Sinclair: Yes.

Steve DelBianco: So Tobias if you'll have your copy open, you can raise your comments, questions and edits when we get to that particular section. Is that okay with you?

Tobias Mahler: Yes, absolutely.

Rosemary Sinclair: Great.

Steve DelBianco: Berry, as we go through this, remember the section of the letter that contains the actual tables from the Excel sheet. If it's at all possible we should do them in parallel. As we go through a line in the advice letter that corresponds with a row in the Excel sheet, if you have questions, let's cover them all in one pass rather than do a full second pass through the Excel sheet. You think that would work?

Berry Cobb: Steve, this is Berry. Sounds good to me.

Rosemary Sinclair: Yes. Rosemary also. I think that's a good ideal.

Berry Cobb: I would just - this is Berry. I'd like to remind the team that Excel will not show up very well in the shared features. So I advise folks to have the spreadsheet open next to them.

Steve DelBianco: And Berry, you sent that around on I believe the 12th and it's V0.5 is the Excel sheet. Is that correct?

Berry Cobb: Correct.

Steve DelBianco: V0.5 in an email from Berry on the 12th.

Cheryl Langdon-Orr: (Have it open).

Rosemary Sinclair: Okay. Great.

Steve DelBianco: And finally before I dive in, other than Rosemary, I saw your comments. Tobias. I know Cheryl had a definitional question. Is there anyone else on the

call that circulated edits that I failed to catch? Great. Thanks. So we can dive right in and Tobias, I'm looking at the first page.

On the first page Rosemary didn't have any edits but Tobias did you?

Tobias Mahler: No. I don't think so. This Tobias.

Steve DelBianco: Great. Second page Tobias. You added a - you wanted a link to our charter - a hyperlink to the charter. Makes complete sense. We'll do that.

Cheryl Langdon-Orr: Yeah.

Steve DelBianco: And at the bottom of that page, you said it was somewhat repetitive.

Tobias Mahler: Yes.

Steve DelBianco: Okay.

Tobias Mahler: It's not a major issue. It's just if we are able to shorten the document, then it's more likely to be read.

Steve DelBianco: Great.

Tobias Mahler: So...

Steve DelBianco: Good point.

Tobias Mahler: ...basically it's just repeating what we said above.

Steve DelBianco: And Rosemary in the middle of this page...

Rosemary Sinclair: Yes.

Steve DelBianco: ...there's a paragraph that begins with the words...

Rosemary Sinclair: Yeah.

Steve DelBianco: ...the fourth - fifth paragraph down. Starts with the words the working group. And Rosemary, would you like to tell us about the change you recommended there?

Rosemary Sinclair: Yes. It's a bit - would you mind reading it out Steve because...

Steve DelBianco: Not at all.

Rosemary Sinclair: ...I'm having trouble toggling from screen to screen. But the background to my comment was that I felt given that this is a tricky set of issues, I felt that the closer we stayed to the Board resolution, the better. So I suggested a slightly different construction. Would you mind reading it Steve?

Steve DelBianco: In the middle of the page where I say with guidance the working group understands that the purpose of the advice is to provide ICANN's Board with guidance on how to blank. We said manage and measure the effectiveness of the program.

What Rosemary's suggesting is on how to - advice on how to conduct a review that will examine the extent to which the introduction or expansion of gTLDs has promoted competition, consumer trust and consumer choice.

So Rosemary you're correct that that's part of our objective is to give them advice on the review. But remember that's not - the reason that Bruce Tonkin's resolution was passed in December of 2010 is because he wants ICANN management to both manage and measure the effectiveness of their program starting now, not just at the end of 2014 when the review begins.

Rosemary Sinclair: Yes.

Steve DelBianco: So I think it's both. Would it be - would you be comfortable with working both sentiments in? In other words, I use your sentence to replace what I had but add a sentence to say furthermore or moreover the purpose - another purpose is for the community to discuss, debate and even adopt definitions and metrics that can be used to actively measure the campaign even before the review is conducted in 2014.

Rosemary Sinclair: Yes. Now I'm happy if that wide a context is drawn around the more specific tasks in the resolution - in the Board resolution.

Steve DelBianco: Great. So we'll include your edit and then I'll wordsmith the last sentence of that paragraph so that it's in addition to but not instead of the sentence you just put in.

Rosemary Sinclair: Yeah. Sure. That's good.

Steve DelBianco: Any other edits from the folks on the phone for Page 2? Let's go to Page 3. There's a typo in the fourth paragraph. I have entity takes - of course the word takes goes away. I want to give Cheryl a chance to regale all of us with her (Occam)'s razor tail about the definition of consumer. Go ahead Cheryl.

Cheryl Langdon-Orr: Leave the bloody thing as is there. Well it's a very informed comment Cheryl, thank you. For the transcript record I suppose I should say something though. I ruminated over various versions of what could be added to expand or exemplify some of the issues that I was concerned about on previous calls.

Everyone of the versions, one of which I put into the chat - one of which I put into the chat transcript for today so it will be to the record as well is an example of how clumsy they became and how it's expected to do more with less. So (Occam)'s right. It was applied and it's a leave it alone suggestion. Thank you.

Steve DelBianco: Got it. Thank you. Let's go to the consumer trust definition. And both Tobias and Rosemary have points. Rosemary's was the shortest so I'll brief that first.

Rosemary looked at the word for consumer trust in the notes that I have underneath and Rosemary you said where I wrote ICANN policies you'd like to put in parens rather than the operator's policy. Is that right?

Rosemary Sinclair: No. Sorry Steve. The way I was reading the sentence, it was ambiguous because it talks about - let me see if I can - if I can pull up that second note I think - is it the second note Steve or the third?

Steve DelBianco: Third note.

Rosemary Sinclair: Third note. If we can pull that up on the screen. It was just unclear to me whether we were talking - here we go. Now let's get back down - Note 3.

Steve DelBianco: I think it's Note 3. I'm not sure.

Rosemary Sinclair: Note 3. No. It's the last line in Note 1.

Steve DelBianco: Thank you.

Rosemary Sinclair: The registrant will also trust that ICANN will hold the gTLD operator to its promises and policies and any applicable national laws. And when I read that I thought well you could interpret that by saying that ICANN will hold the gTLD operator to its own promises and policies. That is the operator's promises and the operator's policies and applicable national laws.

Whereas what I think our compliance framework is that we want to hold the gTLD operator to the promises and to effective implementation of ICANN policies. And thirdly, applicable national laws.

Steve DelBianco: Agreed. I'll make that edit. That's great. Good catch.

Rosemary Sinclair: Yeah. Okay. Yeah. Okay. Thanks.

Steve DelBianco: Tobias, I know you're there. So you had several questions on this page.

Tobias Mahler: Yes.

Steve DelBianco: And I did want to give you one element of background. We had arrived at these definitions quite some time ago. And so edits to the definitions would have to bring a far broader group of our working group in. So with that qualification, why don't you lead us through your concern?

Tobias Mahler: Okay. My first concern was simply readability. And my basic feeling was that the consumer trust definition was a bit too difficult to read - too complicated. And I noticed that part of it was because even though we had defined consumers in the first place, we don't use the word consumers in the text of the definition.

So my first suggestion is simply to remove registrants and users and rather put in consumers. So that would be consumer trust refers to the confidence. Consumers and then it continues. So and then there's a second occurrence also of registrants and users and that would then turn into consumers. So it's - this first point is simply about simplifying the definition.

Steve DelBianco: Let's do a quick straw - this is Steve. That's totally fine with me. Everyone else on the call have any concerns with getting rid of registrants and users and replacing them with the word consumers in the definition of consumer trust.

Rosemary Sinclair: Rosemary here. I'm fine with that.

Cheryl Langdon-Orr: Yeah. I'm happy with that as well. But we need Tobias finishes with all of the changes all of which I'm happy with I'm happen to add. Can you come back to me please?

Olivier Crepin-LeBlond: Okay. It's Olivier here. I do have a concern. Because not all users are consumers. It...

Cheryl Langdon-Orr: Yeah, hang on.

Olivier Crepin-LeBlond: ...comes back to the definition of our consumer.

Cheryl Langdon-Orr: That's where I want to go to at the end of it all.

Steve DelBianco: Right. We're relying upon people to be so policy focused that they'll look up at the definition above. So you do gain a tiny bit of readability because it's shorter but it definitely can be confusing because people won't know that that's a defined term.

Cheryl Langdon-Orr: That's where I wanted to come back to Steve so if I can jump in now before Tobias continues. I think what we need to do to make this part work is really pull out - bring out boldface -- stick it at 65 point; don't care what --what the definition of consumer is designated to be.

It gets lost in the text. And I know this - it's probably why I felt, you know, we needed something more to exemplify it. But in fact the other way even though I'm happy (unintelligible) leave it exactly as it is really makes it pop. So you can't look at this page, this document or have anything to do with the work this is all about without knowing that the definition of consumer is.

Steve DelBianco: Wow. I find myself convinced by Cheryl that the word savings is not worth the potential loss of clarity. And I would suggest maybe we leave it alone too.

Rosemary Sinclair: Yes. It's - it is - it's a good point.

Steve DelBianco: We're only saving - we're turning three words into one in two instances the word consumer.

Cheryl Langdon-Orr: If I may Tobias. I know it's repetitive and it is but we are - rote learning the children to get their arithmetic right just at this stage.

Tobias Mahler: Sure. I'm happy with leaving it as it is. It's just as I read it, I found it a bit too long and I - my perception is that perhaps people get lost on the way somewhere. But this is - if you think it's clearer in the longer version, then maybe we just leave it. In my eyes it's not clear the way it was. But that may have to do with the fact that I'm more recent to this work.

But if the majority (gives us) that it's better to leave the whole thing in, then that's fine. My - as I said, my initial thought is that if we are able to split the problem into several parts as we did with defining first consumers and then consumer trust, then we have a bit more clarity. But if you think that people won't remember that consumer is defined just above, then okay. So be it.

Steve DelBianco: Okay. I think that's a consensus to leave that as it is. But let's keep the suggestion to remove the word can as in can have.

Rosemary Sinclair: Yes.

Steve DelBianco: And then when I - Tobias, from registrar to registry in an earlier discussion we took that out - the words form registrar to registry. It was - it's not necessary. People understand that consistency of resolution involves registrar to registry. That was something that Wendy had asked for at one point that I don't believe there's a need for it.

Tobias Mahler: Okay. That's very good. I just noted that in the second occurrence I think it was included. That's on a later page.

Steve DelBianco: Okay.

Tobias Mahler: And also in the Excel file I looked at, it was included there.

Steve DelBianco: Right. And the Excel file Berry and I will work hard to make that Excel file consistent with the document in places where we've edited the document.

Tobias Mahler: Perfect. I'm happy with taking it out.

Steve DelBianco: Got it. Now on consumer choice. Again, the same thing. Keep registrants and users because nobody will do the work of looking up at our consumer definition.

Tobias Mahler: Okay.

Cheryl Langdon-Orr: Actually this one I do have a problem with. Cheryl here.

Steve DelBianco: Go ahead.

Cheryl Langdon-Orr: Well, only - this is one of those we need to have all the words in. And I know Tobias you're probably hanging your head and going why. And I agree. I prefer less words as well. Just harking back, Olivier the amount of time we spent in the ALAC room at Dakar because, you know, the dreaded words registrants and users were not clearly seen to mean Internet users and consumers.

I'm wondering whether this is one of those times where the more might be better than less. Or that we insist that we put the asterisks or a marker next to the words in the titles consumer choice and consumer trust and just have that asterisk up with the definition of consumer further up the page.

I just don't want people scanning the document as people tend to do getting back into the different arguments, which in our case includes whether or not

consumer means one have to have had a transaction or is it too inclusive of Internet users who are not transacting, et cetera, et cetera.

Olivier, do you - am I over reacting or do you think the children will have settled by the time we get to the next meeting?

Olivier Crepin-LeBlond: Thank you Cheryl. It's Olivier here. I was even going to suggest coloring the text in various different colors and put in little diagrams with no more than six or seven lines in order to get their attention.

Cheryl Langdon-Orr: Okay.

Olivier Crepin-LeBlond: But no. Yeah. I agree with you. Yes.

Steve DelBianco: Yeah but I was suggesting we keep the words registrants and users in consumer choice.

Olivier Crepin-LeBlond: Yeah.

Cheryl Langdon-Orr: And I'm saying leave consumer in as well.

Steve DelBianco: Oh, wait a minute. Registrants and users are roles that can be played by individuals, by consumers, by anyone else. But I don't think we want to confuse roles with entities.

Cheryl Langdon-Orr: That's just an asterisk next to consumer choice taking us back up to our higher definition - higher on the page.

Rosemary Sinclair: It's Rosemary here. If you were going to do that in consumer choice, wouldn't you have to do the same for consumer trust?

Cheryl Langdon-Orr: Yes. In fact that's exactly what I said. An asterisk next to the word consumer...

Rosemary Sinclair: Sorry.

Cheryl Langdon-Orr: ...in both those titles...

Rosemary Sinclair: Right.

Cheryl Langdon-Orr: ...so those people loop back to the definition. Alternatively give out the coloring in books and the crayons and make them do, you know, write it out 100 times until they get it right.

Steve DelBianco: But you know what, the words consumer trust, consumer choice and competition are three phrases that we inherited from the affirmation of commitments and they were carried through with the Board resolution. Those are defined words.

And we were given the invitation to advise the Board on how to define those terms. And the way you define a term is your write a sentence to define the term after the term itself. I don't think it makes sense to say the first word of a term has some other definition. We're defining the term consumer trust. And of course we're building on the work of defining what a consumer is by saying it's users and registrants.

Rosemary Sinclair: So Rosemary here. So should we perhaps say consumer trust is defined as the confidence registrants and users have in the constituency, et cetera, et cetera? And the same. Consumer choice is defined as the range of options available to registrants and users, (da de da de da).

Cheryl Langdon-Orr: That would be one where you need to say is defined as and is evidenced by the range of options.

Rosemary Sinclair: Yes. Yes. Yes. So we just pull out very clearly for people that what we're doing is defining those terms using registrants and users.

Steve DelBianco: So the words refer to the words is evident and is evident in all three cases would be replaced by the words is defined as.

Rosemary Sinclair: Yes.

Steve DelBianco: Is that your proposal?

Rosemary Sinclair: Yes, that's right. That's my proposal. (Unintelligible).

Tobias Mahler: I think this is good - sorry.

Rosemary Sinclair: Go ahead.

Tobias Mahler: Okay. This is Tobias. I think that would be good - a good thing to do. Because also from a conceptual point of view it would be useful to distinguish a definition of a concept from the evidence you collect in order to verify whether the thing you're defining is present. So the use of is evident in is a bit misleading.

Steve DelBianco: Right.

Tobias Mahler: So defined as would be clearer I would say.

Steve DelBianco: And this is Steve. I would agree with Rosemary's change and Tobias' rationale. Cheryl.

Cheryl Langdon-Orr: And one further (unintelligible) - no, I'm fine.

Rosemary Sinclair: Rosemary. One further suggestion. Could we move the actual term consumer down so that it's within the grouping so it fits as a term that is defined with consumer trust, consumer choice and competition?

Steve DelBianco: Yes. We should repeat it. And we needed to leave that definition. We have all these debates last week Rosemary. You ought to be glad you weren't there. Where we made it clear that the registrants and users are roles that are played by multiple entities. And it wasn't necessary to delineate all the entities. So we need to leave that in place to satisfy that discussion.

Rosemary Sinclair: Yeah.

Steve DelBianco: So I think what you're really just saying is to repeat that nice nifty little one line consumer definition and repeat it down below in definitions.

Rosemary Sinclair: That's right.

Steve DelBianco: Okay. Great. What else do we have on the page, Page 3?

Tobias Mahler: This is Tobias. The next issue I believe relates to the definition of competition. However, I'm not sure whether this is a good point in time to actually discuss it because it is a larger issue which we might have to raise it at a later point in time.

The definition talks of the quantity and diversity of gTLDs and TLD registry operators and registrars. I think we should at some point in time and perhaps not today revisit this definition in light of the measures we are proposing to verify whether there is competition. Because quantity and diversity of gTLDs that's already pointing to what's the measured and the definition as such lacks some element of rivalry, which is essential in may definitions of competition (I've seen).

I've looked through books on competition and competition law and other definitions. And I find that it's not that easy to basically base our definition of competition on the general notion of competition. And I see that we also include some element of market share in our measures.

So perhaps at a later point in time we might revisit the definition of competition and see whether it's possible to align that a bit more with generally accepted definitions of competition in other fields and in particular in competition law.

Steve DelBianco: Tobias, this is Steve. I'm going to put in square brackets after the word diversity. I'll put bracket and rivalry among bracket. And we'll put a placeholder there. And as you say, after we pass through the measures themselves later in the document, we'll come back and see whether it belongs. And is that okay - and rivalry among?

Tobias Mahler: Yes. Rivalry it's one of the essential aspects. Perhaps that is sufficient. The difficulty with the present definition of competition is that particularly in competition law you would usually look at dominance. Is there a dominant actor? Is there monopole or an oligopoly? And this assessment of competition is not very clearly reflected in the current discussion.

Steve DelBianco: Well it's because it was never intended to be. The affirmation of commitment charged ICANN with the responsibility of introducing competition. Right. And that means more operators competing to host TLDs, more registrars competing to sell them. So that was about competition relative to what ICANN had before the expansion.

So we're taking our queues from the affirmation of commitment, the signed commitments that ICANN made more than we are from competition law.

Tobias Mahler: Yes but I think there are different elements of competition law one could look at. And I think the affirmation of commitment - the notion of competition is there. It's not very far away from the understanding that is written also in competition law.

So if you translate that into notions that are used in competition law, then you could say that - or at some point in time there was a very strong dominance by one or...

Steve DelBianco: Well I - but I got to remind you that even if there was not market dominance in the new TLD space at all, we would still be asked whether there's been diversity among who's running the TLDs. Who are the suppliers? Are they from different parts of the world? Are just a few companies running them all in the backend? Is there a quantity - a significant quantity of TLDs that are applicable for a registrant to consider?

So we end up with a more expansive definition of competition because of what the affirmation said more than what competition law said.

Tobias Mahler: Yes. I think competition law - I'm not talking about the part of competition law that basically talks of abuse of a dominant position. That's completely out of the scope here. But the basic understanding of what is competition as in economic context. I think that could be very simply aligned with our definition without changing too much.

Steve DelBianco: All right. So in addition to. So I wrote - just for a place holder I put competition is defined as the quantity, diversity and rivalry among gTLDs, TLD registry operators and registrars.

Rosemary Sinclair: Quantity, diversity, rivalry.

Tobias Mahler: What about market share? Isn't market share essential part of competition?

Steve DelBianco: It is and that's one of the measures we use. The definitions do not have to enumerate the measures. The measures are in the table three pages below. And in none of these definitions did we seek to list every element from the measures table as part of the definition.

Tobias Mahler: No. I see that. And as a point you said I'm fine with the - with most of the measures. But I think what might happen in the future is when people in the GAC or in other places who have a background in competition law and for example work in competition authorities forwarded the document from that GAC representatives.

When they look at the definition of competition, they might say, okay. But this is a very - I'm not sure. This is very special definition of competition and...

Steve DelBianco: That's fine.

Tobias Mahler: It's not that easy to relate it to a general notion of competition.

Steve DelBianco: Right. And I would be afraid to do that if a general notion meant that we would carefully look at market share, because we have old and new TLDs, and when the new TLDs come up, their market shares may be very small by design.

Tobias Mahler: (Unintelligible).

Steve DelBianco: If they do a dot bank - a dot bank TLD will have a tiny, tiny share because it's only going to permit chartered banks.

Tobias Mahler: (Unintelligible).

Steve DelBianco: Though so much of this program is designed to splinter the space into tinier little applicable communities. Yes, I know we will have a handful of generic words like dot Web that will compete head-to-head with dot com and dot net, maybe even against dot info, but I'd hate for us to get so focused on the resultant share when that isn't really the goal. We are tasked to create some competition so that multiple companies are competing to be their distributor and the wholesaler of names.

I heard a voice. Does somebody else want to get in the queue?

Rosemary Sinclair: It was Rosemary, and I - to me having worked in the area of competition law in the telecommunications industry for many years, to me this work - this piece of work is very importantly defined in the context of the DNS space plus the board resolution and affirmation of commitments.

And I think it is important that we in a sense to buyers distinguish the piece of work that we're doing with reference to those two elements. We're really talking about the DNS and providing some advice in respect to a board resolution that we've been given rather than leak into the bigger pond of general competition law.

We're really looking here at competition policy, which is the - one of the objectives of the new gTLD policies to promote competition and provide greater choice and greater consumer confidence, which are also words that don't really appeal when you're looking at competition law as such, you know, there you are talking about the process of rivalry and you get into the kind area of market definition and so on.

So accepting everything that you've said, I think there are some specifics about this piece of work that mean we can be slightly more - well slightly looser, if you like, in our terms than we would if we were looking at a piece of legislation.

Tobias Mahler: Well, of course, this is not the piece of legislation, but it's in a way an interpretation of a word that is used in the affirmation of commitment, and the question is what is the adequate context of that word?

Steve DelBianco: The affirmation came from the JPA and the MOU, both of which said competition was the introduction initially of multiple registrars selling dot com names, and that was accomplished ten years ago. And the word seems to

persist in the notion of creating competition to things like com, so that people have more choices.

So that's one of the reasons Tobias, we were so wrapped around the axle on being - on having to deal with two words that were so closely related, choice and competition, right, because you could have multiple choices as a consumer, but then we realized that what if dot com, dot Web, dot biz and dot info were all run by the same entity.

If they were then we would be accused of having choice without competition. So we chose to create a distinction between choice and competition where competition focuses on the supply side and that supply side includes registrars, registries, and the operators themselves.

Tobias Mahler: Yes. I'm basically fine with that. Perhaps it's just - if we manage to bring in a clear notion of rivalry and at some point in time recent to the whether market share, what is actually the role market share should play here.

The point I'm thinking about is actually very simple. If you look at very early faces around the dot com boom, there was a very strong dominance of dot com, and then obviously, this has changed.

And I think once we start introducing even a greater number of new gTLDs, it wouldn't touch - do something with the market share of dot com, so we have a measure of change of that market share?

Steve DelBianco: Decimal points of precision would be necessary to measure that one year in to the new TLD launch. Think about it. Very slow markup, and many companies that do a new TLD will probably also put it in com. So I mean let's not set ourselves up to fail here.

And if in fact the competition was achieved ten years ago, but the registrar diversification, why did the Department of Commerce and ICANN sign up for

competition as a goal for the new gTLD program? It persists. It was repeated and embraced as one of the three things that they agreed to be measured on.

We've got to figure it out, and maybe the community comment period will identify, maybe it won't, but hopefully, it will identify different sentiments for this. But I'm no competition lawyer, I will defer to your judgment area, but I feel as if that could be a constraint on the way you're looking at it, as if this has any legal significance whatsoever, and it doesn't.

Tobias Mahler: (Unintelligible).

Steve DelBianco: Legal authorities - competition authorities will hold ICANN accountable for competition law no matter whether there was an affirmation of commitments or this working group ever existed.

In fact, as you know right now, the vertical integration question is being vetted with competition authorities with respect to cross ownership. So that's happening at a different playing field. This is us trying to put some meat on the bones of the affirmation of commitments and no more.

Rosemary Sinclair: Rosemary here. My suggestion is that we include the word rivalry as Steve captured, I think, (Tobias') idea, and then that word will be a highlight for those people interested particularly in competition law during the public comment period.

So if our colleagues in (Geck) or anywhere else want to make some suggestions, I think that process of rivalry or whatever the phrase was, would bring those comments forward and then we could consider those in our next iteration. How do you feel about that, Tobias?

Tobias Mahler: Yes, I think that would be an improvement. Perhaps it would just be rival. Rival gTLDs, CLDs, CLD registry operators in British (unintelligible). Does that sound...okay?

Rosemary Sinclair: So how would that read then? We've got is evident competition as defined as the quantity and diversity of rival - not so much rival, is it?

Tobias Mahler: Well...

Cheryl Langdon-Orr: No. Rivalry may not relevant to all of the JTLDs.

Rosemary Sinclair: No, because dot bank is not really going to be rival to dot shoe.

Cheryl Langdon-Orr: (Unintelligible). Yes.

Steve DelBianco: Exactly right. Every one of these is in some cases, the more specialized the new TLDs are, that's what purposes mean. They have a purpose to serve the bicycle market, the green economy market, the banking market. Every time they do that, they make a tinier market, and they remove themselves as a head-to-head competitor.

Now having said that, some banks will move into dot bank, but they'll retain their com name for a while, so you won't see a share change but maybe over time banks would stay in dot bank and not in dot com at all. A lot of these of dynamics that will take place only after registrants discover some value added at moving.

Cheryl Langdon-Orr: They - it strikes me there they might in fact be (six or) purpose uses of both or many depending on what an entity, a registrant wishes to do. It may be that you wish to market a particular type of use into one name and restrict another type of activity in another. (Unintelligible).

Steve DelBianco: I couldn't agree more. Yes, exactly, and because we don't want to predict it, nor do we want to tie anybody's concepts of what it is the new gTLD program is supposed to do in a normative sense. We're going to wait and see. Let a thousand flowers bloom.

So trying at this point to say to ICANN that, "We're not going to judge your program as successful unless you've achieved a certain amount of market share reduction or rivalry," I believe that's a slippery slope that says that...

Woman: (Unintelligible).

Steve DelBianco: ...you with me - it's not really - we don't really know for sure if that's what it's all about. It may come out to be completely different.

Rosemary Sinclair: (Unintelligible). Okay. Rosemary here with perhaps a suggestion. If we have competition is defined as the quantity and diversity and potential for rivalry among gTLDs, et cetera, et cetera, does that do it?

Cheryl Langdon-Orr: Olivier has his hand up as well, Rosemary.

Rosemary Sinclair: I can't - sorry. I can't see the hands. Thanks, Cheryl. Olivier?

Cheryl Langdon-Orr: (Unintelligible).

Olivier Crepin-LeBlond: Okay, Rosemary. Thanks. It's Olivier here. I'd be okay with your wording, the potential.

But I was just going to say that it is very hard to measure rivalry when some of the new offerings might be managed systems rather than competitive systems.

In other words, they might be something that no one's ever heard of or thought of before, but they will be used for a specific purpose. A little bit like the IP addressing system, the way that that IP addresses are distributed over the world these days. It's a managed system.

It's not a system that would benefit from a competing agency that would dish out IP addresses. In fact, it would probably be worse since you'd probably end up with the same IP address as being distributed by both sites.

So, you know, I think the potential of rivalry is a very good tradeoff. Thank you.

Steve DelBianco: I just pasted in the - Rosemary's suggestion for everyone to look at. It's in the Chat.

Cheryl Langdon-Orr: Yes, I like it.

Rosemary Sinclair: Are you, Tobias, are you happy if we go in that way?

Tobias Mahler: I would say that this perhaps something we should revisit once we have finalized our measures, because it seems like we are afraid of precluding some specific measures and basically the measures we propose should be aligned with the overall definition.

And I'm not completely sure that many people would understand this element of potential for rivalry as it is in the sentence right now.

Steve DelBianco: Okay. I will square - I will put it in square brackets until we come back to it.

Cheryl Langdon-Orr: Okay.

Tobias Mahler: Yes.

Steve DelBianco: Let's move on. No other comments on Page 3.

Cheryl Langdon-Orr: No.

Steve DelBianco: Okay. We go all the way now to the advice on measures at the bottom of Page 4 here on the screen. In red, I think that's you, Tobias?

Cheryl Langdon-Orr: What about the "Note To" part. Tobias has marked 10.

Tobias Mahler: "Note To," yes. The last sentence in "Note To" is a descriptive statement saying that, "All stakeholders have an interest in providing choice and avoiding monopoly in order to create an open info market for all participants."

Steve DelBianco: This entire paragraph came from Carlos, who - who's on the phone. Carlos, do you want to explain a little bit more about that?

Carlos Aguirre: Thank you, Steve. No, I think the paragraph is very clear, but I have at this moment a serious problem with my (unintelligible) Chat room. So sorry. I can't wait.

Steve DelBianco: Tobias is suggesting deleting the second half of your sentence. If you recall, you wanted a note, Carlos, because like all of us you were concerned that we were confusing choice and competition. And of course, we didn't have any choice in the matter. Those are words that came from the affirmation.

So your suggestion, and that you made it initially in Spanish, and I had to translate it, was that competition is closely related to the idea of consumer choice. In fact, competition and consumer choice can be seen as two parts of the same whole, hence both touch providers and consumers of services. And then you said, "All stakeholders have an interest in providing choice and in avoiding monopoly in order to create an open and informed market for all participants."

And (Tobias') suggestion, I'll let him explain, was that that last sentence is more - maybe doesn't belong there. Go ahead, Tobias.

Tobias Mahler: My - well, it is a descriptive statement. So it describes the interest of all stakeholders, and if there is one stakeholder who has a different interest, then the statement made defaults, and perhaps some actually do have an interest in maintaining a monopoly, and that's basically fine, because that's a commercial interest.

So I'm not completely sure that it actually helps to understand the issue. I would agree that ICANN has an interest in providing choice and avoiding monopoly and it also has to do it according to the affirmation of commitment, but that's already stated above.

So I would prefer to just take it out, because it doesn't really - well, it's a descriptive statement that may not be completely true.

Steve DelBianco: The entire - I mean all three sentences are descriptive.

Tobias Mahler: So (unintelligible). No, yes, okay. But the first two sentences describe the relation between consumer choice and competition.

Carlos Aguirre: I'm sorry.

Tobias Mahler: So that (unintelligible) of definition. We can define that and - and that's it. But the third sentence is a statement about the interests of certain stakeholders, namely that, "All stakeholders have an interest in providing choice." And maybe not all stakeholders have that interest.

So that's why I would say why not just omit that since it doesn't really help to clarify the relation between competition and choice? It's something else.

Rosemary Sinclair: Yes. Rosemary here. I can see what Tobias is saying. The suggestion of changing all stakeholders to ICANN, so instead of, "All stakeholders have an interest," it is, "ICANN has an interest in providing choice and avoiding monopoly" is perhaps a more accurate statement. Is Carlos still on the call?

Cheryl Langdon-Orr: Yes, he has his hand (unintelligible).

Carlos Aguirre: Yes, yes, yes, Rosemary. Thank you. I am with Tobias in relation the sentence when he said, "Some stakeholders may have monopoly interests." Yes, it's true. But not stakeholders in ICANN, I think.

I have another option to the last sentence, could be, "All stakeholders in ICANN have an interest in providing choice and in avoiding monopoly in order to create a blah, blah, blah, blah, blah." But the option ICANN is good also for me.

Cheryl Langdon-Orr: I think just ICANN is too narrow. Cheryl here. I'm happy to add ICANN to increase the focus on the responsibility for these interests being held in ICANN but it's not exclusively ICANN. And I have no desire to remove the sentence. I have a desire to make the sentence work.

Rosemary Sinclair: So Rosemary here. Suggestion, if we put, "ICANN and its stakeholders have an interest."

Cheryl Langdon-Orr: Too narrow.

Carlos Aguirre: Sorry, Rosemary.

Rosemary Sinclair: Yes. Yes.

Carlos Aguirre: "All stakeholders should - " what do you think about, "All stakeholders should?"

Rosemary Sinclair: "Should have an interest."

Carlos Aguirre: Yes.

Rosemary Sinclair: Yes, I think that's a statement that is generally true. "All the stakeholders should have an interest in providing choice and avoiding monopoly."

Carlos Aguirre: Yes.

Rosemary Sinclair: What do you think about that Tobias?

Tobias Mahler: Yes, that would make it a normative statement...

Rosemary Sinclair: Yes.

Tobias Mahler: ...as I read it. And normative statements can't be (falled).

Rosemary Sinclair: Yes.

Tobias Mahler: So if we subscribe to that, if - I would do so, then I would be happy.

Cheryl Langdon-Orr: That works.

Rosemary Sinclair: Okay, good. So if we - Steve if you can just make that, "All stakeholders should have an interest," then I think we...

Tobias Mahler: Folks okay with that?

Steve DelBianco: And Carlos okay with that as well?

Carlos Aguirre: Yes, of course.

Steve DelBianco: Great. So it's now normative. That's great.

Okay. Let's move down to advice on measures, and there's a little bit of introductory language before we dive into the real meat of the actual measures, and I believe it's Tobias that wanted an extra sentence said - no

sorry, it's a request that we add the distinction between obtainable and reportable. And it's really describing the stuff that's about to show up in the table, is that right?

Tobias Mahler: Yes, well, we're using the categories of obtainable and reportable further below, but we don't really explain what we mean by obtainable and reportable.

Steve DelBianco: Right. Let's take it as on face that any terms used in the table should be explained, and you saw that I had written with explanation for the word relative incidents, and so let's put notes in there for what obtainable mean, what reportable mean, and doubtful, things like that, moderate.

Great. Let's agree on principle. I don't think we need to wordsmith at all right now in front of everyone, but all terms should be defined.

Cheryl Langdon-Orr: Yes.

Steve DelBianco: Beautiful. Are we ready to go? The part of the call where the real difficulty lies is going through the table.

Rosemary Sinclair: I think we're ready to go.

Steve DelBianco: Good. So we're in consumer trusts. Berry, if you're still with us, what's your recommendation on how to go through these?

Berry Cobb: Start at the top and then just ask if everybody agrees with the metrics that we have defined within the measure of consumer trust and the wording specifically. I think the obtainable, reportable, we might be off one or two on a few of those, but, you know, we might need to change in there and then just validate the source.

I don't think there's - no, I think everything else that we have in the spreadsheet is not as much relevant within the advice letters such as how we categorize them and those kinds of things.

Steve DelBianco: Great. I would make a - Berry and I discussed this last week, but this potential, we ought to have a column at the right of this that says, "What is our recommended three-year target?"

Rosemary Sinclair: Yes.

Steve DelBianco: In other words, we - I know that we've deferred targets to the end of this, and given the time, we're never going to get to the targets on this call. So as we fly through this table, if anybody can recommend a target, you'll see that I've put together some examples of things that could be targets on Page 9.

All right. So the first two are DNS service availability, register on data directory services, and the EPP. And Berry, this is meat and potatoes stuff between registrars and registries, in the case of DNS, it's for resolvers and registries. They're all easy to obtain and easy to report, and we already have SLAs on the present space.

Does everyone agree that we should keep these three as are, and if we did come up with a target, it would be the very same targets, 100, 98, and 98?

Cheryl Langdon-Orr: Yes.

Steve DelBianco: There's no reason to say the new space should be any lower.

Cheryl Langdon-Orr: No, absolutely not. No. Agreed.

Steve DelBianco: Carlos, your hand is up?

Carlos Aguirre: No, no, no. Sorry.

Steve DelBianco: Thank you. Berry, was there anything buried in the notes on your spreadsheet on the first three rows?

Berry Cobb: Negative.

Steve DelBianco: Got it. The percent excellent is the percentage uptime for a registrar. Berry, do you recall the origin of this and why is it doubtful?

Berry Cobb: The origin is from the measures that were originally defined in the presentation back in Dakar, and it specifically called out registry and registrar. The reason why it's doubtful is within existing contracts there are no SLAs required for registrars, although that may change with RAA negotiations on some systems.

I listed it as doubtful because I'm not going to speak for registrars but they may or may not want to provide their service-level data, and if they don't provide it then we certainly can't report on it.

Steve DelBianco: Question, do you think this was meant to be the uptime for the registrar's problem reporting page or the uptime for a registrar's Whois service? Which specific services are we saying need to be up?

Berry Cobb: I specifically wasn't saying anything. If you recall, in our probably our first version, the original was just "Percent uptime registries," "Percent uptime registrars," and then the working group wanted to deep dive deeper. There is no diving deeper with SLAs that aren't defined yet.

I mean we can state, you know, that they still have the same RDDS availability and connectivity back into the EPP servers at the registry, but I personally don't have that skill level to know exactly which systems they use or not.

But from a - from my own point of view, if they aren't defined in a current ICANN contract, and there's no change to a future RAA for the new gTLDs that lease as of this point, I'm not sure how we can define those.

Steve DelBianco: So the choice for our group is to keep this here with some sort of a call-out note that it's only applicable if the new RAA includes measurable metrics, for things like Whois, availability and contact availability or we can delete it entirely. What's the group's sentiment? Notation or deletion?

Rosemary Sinclair: Rosemary here. I think notation, because I think we're raising ideas and issues in the context of providing advice for consideration in preparing a review, and these are matches that I think should be on the table even if it's not possible to do anything with them at the moment. They may inform later work on the RAA and other things. Other people?

Berry Cobb: This is Berry. There's several yes notation agreements in the Chat.

Steve DelBianco: Great. This is Steve. Then I'll make a notation. I'll put only if the RAA includes service-level agreements for availability of Whois - services such as Whois and contact and complaints. Thank you.

Let's go to the next one, which was the consumer survey, of (percents), consumer trusts and the DNS relative to experiences before the gTLD expansion and the survey could measure experiences with malware and Spam -- Olivier, you'll recognize this stuff -- and confusion about new TLDs.

So that box - that row expanded, because on the last call, Olivier had some extra consumer trust items and the consensus of the group was for me to jam those into the consumer survey line.

I hate calling it difficult - well, they're doing a Whois survey now as part of the Whois review. It's expensive, but Berry, what's your thinking behind difficult?

Berry Cobb: This is strictly my own interpretation, and it's only because I've never seen a survey like this before. So it's - yes, I'd like to throw out the disclaimer that any of these assignments are my assignments alone, and that's it.

Cheryl Langdon-Orr: Yes. I'm thinking this should be moderate. I really do. It would be costly. It would take some smart survey design. It's far from impossible. And I wouldn't even go so far as taking it up into the difficult category. It's all a matter about the commitment and the intent.

Rosemary Sinclair: This is Rosemary with a funny suggestion. Could we replace difficult with groundbreaking?

Cheryl Langdon-Orr: I like it. It'd be essential groundbreaking.

Berry Cobb: You know the - I'm sure this saying comes from the Australian Armed Services too, but the American Services in the Pacific in World War II had a group called the Seabees, and those were construction brigades, right? And they said, "The difficult we do right away, it's the impossible that takes a little longer."

Cheryl Langdon-Orr: Yes, only a little longer, that's right. I think all engineers have that credo somewhere in their history.

Steve DelBianco: Well, this is Steve. It's my view that each of these groups of metrics ought to have a couple that are difficult. That's fine. This would only be the - one of two in here that are difficult. I don't want to make it seem as if it's impossible. So...

Olivier Crepin-LeBlond: It's Olivier here. I'm - I just wonder about the use of the word difficult since the Whois survey is underway, and, in fact, I'm really sorry, Rosemary, but then this wouldn't be groundbreaking, because the Whois survey is the groundbreaking part.

Cheryl Langdon-Orr: True, Olivier, that's true.

Olivier Crepin-LeBlond: (Unintelligible) follow-up. So, you know, darn, we just passed by one of these moments. But I think we'll probably know more about how we - how difficult it is to obtain that data once we've actually learned lessons from the Whois.

Rosemary Sinclair: Yes.

Olivier Crepin-LeBlond: And whatever the Whois survey was marked as, we'll probably be able to mark this one as one level less than the Whois one, hence we will have learned from the mistakes and well, seeing how it works. Thank you.

Cheryl Langdon-Orr: Why have it yellow moderate?

Rosemary Sinclair: Sorry, Cheryl, what was that - make it a moderate?

Cheryl Langdon-Orr: I'd make it a yellow moderate. I really would. So moderate and moderate.

Berry Cobb: I'm very pleased that it's spreadsheet accordingly.

Steve DelBianco: Great. Thank you. Olivier, did I capture those extra sentences under survey pursuant to what you asked for? Experience of malware, Spam and confusion about new gTLDs? It's really (unintelligible) question on the survey.

Olivier Crepin-LeBlond: Steve, it's Olivier here. You did fantastically well. So...

Steve DelBianco: Thank you, man. Underneath - next to it in terms of recommended three-year target, that's a hard one. But in it - assessments you could say a relative. We would want the survey to reveal an improvement, not a decline, but an improvement on most, if not all, measures of trust. Should we be so bold?

Rosemary Sinclair: Well, yes. Well, the target should definitely be - Rosemary here - sorry. The target should definitely be improvement. So we'd want to capture that by trending upwards. It's just - it's quite - it's such a loose - it's a loose target, isn't it? Improving rather than moving from 10% to 15% or whatever.

Steve DelBianco: It is, but the survey itself is not - is going to be measuring people's perceived improvements.

Rosemary Sinclair: Yes.

Steve DelBianco: And what you'll get is some people will say, "It's improved a lot." "It's improved a little." "It's the same," or "It's worse." And if X-percent of the respondents - you know how tough it is on surveys to have a definitive answer...

Rosemary Sinclair: Yes. Yes.

Cheryl Langdon-Orr: It'll be qualitative stuff at any stage. Sorry. At this stage it will be qualitative stuff.

Rosemary Sinclair: Yes, no. I'm okay. I'm okay with that. Improving, yes.

Cheryl Langdon-Orr: Yes, (unintelligible) so they stay on the track, we can then say, "There's been a 15% improvement in the perception of, " but...

Rosemary Sinclair: Yes.

Cheryl Langdon-Orr: ...survey one and two, no, no.

Steve DelBianco: Great.

Rosemary Sinclair: Okay.

Steve DelBianco: Let's go to the next two. The next two have to do with one of the key measures of compliance at ICANN, and I've often made the argument that ICANN only does two things. It makes policies, and it enforces contracts and policies. That's all it does.

So when they enforce, part of the enforcement process is to issue what's called breach notices for either contract matters, contract breach or for policy breaches. And the same thing happens to registrars for either contract - which is to say agreement or policy compliance matters.

Now, Berry, you sent around some of the presentation that Maggie gave in Dakar. Would that lead us to have a different vocabulary for this?

Berry Cobb: Not by my read, no. I think we're capturing it.

Steve DelBianco: And do you think based on Maggie's - what she can capture in her rudimentary systems, do you think easy and easy are still the right designation?

Berry Cobb: As long as we're specifically notating formal breach notices sent to the contracted parties, then yes. Those are - and (Paul) is raising his hand, so welcome his input.

(Paul): Yes, all right. So I guess I'm a little nervous about the metric being quantity. You know, part of it is you want to go after the people that deserves to breach, but if you set a quantity goal of let's say ten, well, if everybody's playing - doing what they're supposed to be doing, ten would be an arbitrary number to pick.

So you want it to be as a percentage of, you know, anybody that's surfaced that is categorized as a potential is a breach that we have done the work to make sure that it was followed up and whether issue the breach or the registrar had been - fix the issue.

Steve DelBianco: We are very comfortable, (Paul), with the concept of relative incidents, and we defined it earlier, and it even shows up on the next row. So we definitely got that.

I believe we were concerned here that there are so few breach notices that any breach notices are worthy of attention. It still brings a problem to mind if you say how many is too many. It might be that we would measure it relative to the legacy gTLDs.

But what are the folks on the phone think? Do you want to try to say that a three-year target for this is to have no breach notices by the third year...

Cheryl Langdon-Orr: No.

Steve DelBianco: ...or do we think this should be relative? What are folks think?

Cheryl Langdon-Orr: It should be relative. No, we've - no breach target is a silly target in my view. It's like trying to get 100% uptime on something.

Steve DelBianco: So are we more than likely to make this a relative to the legacy TLDs and not relative to what the legacy TLDs had in 2011, but relative in the same year to the legacy TLDs? They should be no worse than - no worse than TLDs that were in place prior to the expansion?

Cheryl Langdon-Orr: Right.

Steve DelBianco: I'm just throwing some stuff out here.

Rosemary Sinclair: Yes, yes.

Steve DelBianco: And when I say, "No worse than," we would say, "The relative incidents of breach notices should be..."

Cheryl Langdon-Orr: Should not significantly be - should not significantly be for negatively compared to blah, blah, blah.

Steve DelBianco: So the relative incidents of breach notices in new TLDs should be lower than - equal to or lower than...

Cheryl Langdon-Orr: Equal to or lower than, yes.

Steve DelBianco: Yes, yes, okay. I got it. Less than or equal to incidents in legacy TLDs in the same time period. Great.

If we end up with a fourth column - sorry, a fifth column on here for the targets, it will make the document more unwieldy, but it will mean that people when they review it, they'll see both the definitions of the measures and they'll see the targets all in one place. Now that we've put targets next to a few of them.

How are folks feeling about adding the recommended three-year target to this table?

Cheryl Langdon-Orr: Yes, I like that idea.

Steve DelBianco: Anyone else?

Rosemary Sinclair: Rosemary. I agree with that, because if we don't have any indication for people of what we're thinking about in terms of targets, it might be that our measures will make some people very nervous that you go from the measured to, you know, a really unworkable target. So I think we've got to give some sort of indication of what we're thinking.

Steve DelBianco: If we were to agree to add the column, then all of Page 9, where I drafted some text for targets is really just explanatory. I would move all that up before

the table, wouldn't I? So the people would see our explanation before they see the column.

Cheryl Langdon-Orr: Yes, yes.

Rosemary Sinclair: Yes, you would, yes.

Berry Cobb: And Steve, this is Berry. In terms of making these charts not so wieldy, we can modify these last few pages to be landscape...

Cheryl Langdon-Orr: Yes.

Berry Cobb: ...so that we get some more room across as well.

Steve DelBianco: Great point, man. Great point.

Cheryl Langdon-Orr: Yes.

(Paul): While you're on the same topic of the format - this is (Paul) - I would sort the obtainable and reportable, sort them in order by section from easy, moderate, difficult. That way as the board reviews this, they can say, "All these are the easy ones. These are the moderate. These are the difficult." (Unintelligible).

Steve DelBianco: But (Paul), for the ease of - I'm sorry, (Paul). This is Steve. For ease of review I can see that benefit, but frankly, they're organized this way very carefully on purpose because they are things that are grouped together are measures of the same aspects of consumer trusts like the first four or five have to do with the first half of the definition of consumer trusts. And then there's a bunch in a row that have to do with complaints and incidences.

So the purpose of keeping them grouped that way is if you get to a given category, and there are a couple of moderates and a couple of easys, you're

fine. I think that reorganizing them, you lose the train of thought that we went through in keeping them in this order.

(Paul): Then you may want to add something that says, here are the subgroupings you're thinking about these then. Yes, make it an extra row that says for this grouping, and then you list the metrics.

Steve DelBianco: Berry, didn't you have - thank you, (Paul). Berry, did we have general groups in the Excel sheet?

Berry Cobb: Correct. It's column D called "Category," and it's simple things like SLAs versus RPMs versus mitigation versus abuse and fraud. But I'll add that that was only my interpretation to those, and so if we choose to include this in the advice letter, we should probably review these as well.

Steve DelBianco: All right. So what I will do in the next draft is put a row above each - what I think are logical groupings so that it's more clear why they're organized this way. But (Paul), (Paul), what worried me is by organizing them by easy and hard, that would invite the board to only look at the easy ones. We don't want that. We want to be groundbreaking.

(Paul): All right. I know. I know.

Steve DelBianco: All right. Let's go. Let's get moving here. We had - we have a bunch now that I think are really easy. Well, I shouldn't say that. They're moderate.

And these have to do with the quantity and relative incidents of complaints, for things like UDRPs and decisions for UDRP, URS complaints and decisions and violations. So there's the sets of - there's quite a bit of statistics that make their way into the next six rows. Any thoughts on those?

Berry Cobb: This is Berry. I will add that I only added moderate here just because in terms of the collective universe of all UDRP complaints and future URS complaints out there, ICANN doesn't track those statistics.

It's only those types of proceedings that result in an escalation where a domain was a transfer for the most part where ICANN gets involved, and (Paul) can correct me if I want, but I only assigned moderate, because for the most part, we don't collect it. It's not to say that that information couldn't be easily bought.

And I'll also add we only have two minutes for this session, and I imagine people need to leave as well.

Rosemary Sinclair: Yes. Thanks Berry. It's Rosemary here. I was going to just make that point that we're almost run out of time on this call.

So should we quickly come back to the 31st of January suggestion, because it seems to me that we are going to need that call? And just thinking about my own circumstances, I think I can do it, because for me, in fact, it'll be Wednesday morning not Tuesday.

Cheryl Langdon-Orr: Yes. It's our Wednesday.

Rosemary Sinclair: Yes. So I'll be back to do that call. So I think what we need to do is get other people to respond to the (unintelligible) poll, but I think our progress today, although it's been terrific, is taking us in the direction of really needing to have that extra call.

Cheryl Langdon-Orr: Right.

Berry Cobb: Rosemary, this is Berry. If that is the case based on the latest of the pole, and I can send this out again just to remind people, but so far if you were to

attend then it would only be Olivier and Wendy that wouldn't be able to attend.

John Berard, Tobias, Cheryl, Steve, I imagine you'll probably be able to make it?

Steve DelBianco: No, no. I cannot do the 31st, Tuesday. I could do Monday but not Tuesday.

Rosemary Sinclair: Okay.

Berry Cobb: I tell you - how about I send out a new pole and we get a little groundbreaking here and maybe try a Monday or a Wednesday or a Thursday?

Cheryl Langdon-Orr: Or a - well, I - it's not a problem, but if it's your Monday, I can't make what is effectively my Tuesday, because my 31st, your 30th, I'm in a strategy meeting for a board all day.

Rosemary Sinclair: So we might have to give the option of the 1st as well, Berry, just push it out one day more.

Berry Cobb: I'll do it from the 31st, 1st, and 2nd. So the entire middle of next week, and we'll see where we can come up with. And then I will remind the team we also do have our normally scheduled session on the 7th...

Rosemary Sinclair: Yes.

Berry Cobb: ...as to which we can finish up, package up, and then put a bowtie on it and...

Steve DelBianco: (Unintelligible). Let me do a quick pole with the folks on the call. Do you think we can get this done with two more calls?

Rosemary Sinclair: Rosemary. Yes.

Cheryl Langdon-Orr: I think we have to.

Rosemary Sinclair: Yes, we can.

Steve DelBianco: Great. I love that can-do attitude.

Berry Cobb: This is Berry. And I, you know, we're, you know, I think once we get past the RPMs, we're effectively half-way through many of the metrics here. Not to say that we might get into a little bit of the weeds when we get into the choice and competition part, but we're about half-way through.

Steve DelBianco: Great. I will volunteer to keep the pen for another draft, and promise to get it around in 24 hours unless somebody wants that pen?

Cheryl Langdon-Orr: I think it will be good in your hands.

Steve DelBianco: All right.

Berry Cobb: And Steve, you and I might want to get up - get together offline and figure out which columns and that kind of stuff we're going to do in this next version.

Steve DelBianco: I know. And so what I'll do is quickly mock it up and get it into your hands and let you give it a quick review. You can call me after you get that and before we send it to the whole group. Would that be all right?

Berry Cobb: Simple.

Steve DelBianco: Great. I'm going to do it tonight while I'm watching this ridiculous political scene here in the United States.

Cheryl Langdon-Orr: Well, send us a sentence or two on that as well.

Steve DelBianco: Oh, it's an absolute embarrassment. Mostly I would say, "I'm sorry."

Rosemary Sinclair: We still love you, Steve. Don't worry.

Steve DelBianco: All right, everyone. Thanks very much.

Cheryl Langdon-Orr: You can't talk about your political world...

END