

**Consumer Metrics Project Discussion
TRANSCRIPTION
Tuesday 15 November 2011 at 2000 UTC**

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Participants on the Call:

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Cheryl Langdon-Orr - ALAC

Olivier Crepin Leblond – ALAC

Carlos Aguirre - NCA

Steve delBianco – CBUC

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Nathalie Peregrine

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

Nathalie Peregrine: Thank you very much, (Kelli). Good morning, good afternoon, good evening. This is the CCI call on the 15th of November. On the call today we have Rosemary Sinclair, Steve DelBianco, Maguy Serad and Carlos Aguirre. From staff we have Margie Milam, Berry Cobb, Brian Peck and myself, Nathalie Peregrine. And we have apologies from John Berard.

If I can please remind you to all to state your names before speaking for transcription purposes. Thank you very much and over to you, Rosemary.

Rosemary Sinclair: Thanks Nathalie. And thanks everybody for joining the call. We've got our agenda before us in the Adobe Connect screen. And the first thing I thought we should do today is to review the Dakar session. And I am hoping that Steve will lead us through that.

And then the second thing I thought we ought to do is scope out our next steps; what approach we want to take in terms of the advice and how to complete that and where to send it after that.

So I wonder, Steve, if you would mind taking us through a review of the session in Dakar?

Steve DelBianco: Glad to, Rosemary. We missed you there but I know you were there in spirit and we used the PowerPoints that you drafted in Dakar. It was a one-hour meeting. We squeezed it in over the lunch hour before the GNSO Council was to meet.

And the transcript is online and you all know what the PowerPoint looks like but I thought I could summarize the flow of the meeting and some of the urgency that I got from participants about moving to written advice as soon as we could before the gTLD program kicks in.

Rosemary Sinclair: Right.

Steve DelBianco: The - I would say that we went 15 minutes on the PowerPoints and it was a quick run through and then we opened it up for Q&A the idea being we tried to get through it all before we got bogged down on one particular measure associated with any single definition. And I think that worked pretty well.

Carlos, I know you're on the call. And if we walk through the kind of things that you came up with this is something we've discussed before in that both competition and choice are closely related. I guess if we were writing the affirmation of commitments today we wouldn't have necessarily put both terms in there suggesting that they're really that different. But that's what we have to live with.

And we made the distinction between supplier side on competition and registrants and users when it comes to choice. But, Carlos, you offered up a three-sentence clarification that we would add to both definitions in your opinion. So I thought we would walk through that a little bit and understand - see whether there's consensus to move on that.

Rosemary, there's a risk that if I go through each point that was brought up we could get bogged down rather long in the Dakar discussion. What would be your preference on how to cover that?

Rosemary Sinclair: Look, I'd really like to get a general sense of it first, Steve, and then come back to the significant points that you think we should consider before getting into a kind of process discussion about how we move the work forward. So is that okay?

Steve DelBianco: That's great. All right so the general sense was the folks that were there were amazed and how much work had been done. And I think when you go through our PowerPoint it makes it look like we have our act together probably a lot better than we do.

And it led to at least one participant, it was Andrew Mack, emerging markets consultant, who said well hurry up and get the advice in since there's still time to influence the new gTLD program when it comes to the IDNs because part of our choice measure, part of our choice definition includes having lots of different scripts and languages for the new TLDs. They can't all be English and Latin script.

Rosemary Sinclair: Yes.

Steve DelBianco: We're probably not going to achieve a consumer choice goal. So that got the discussion heading down the path of where do we go with this device next and how quickly can we get it out for public comment. And if we did get it out for public comment I think then it has to go to each of the AC/SOs and we'd hear something back from them.

So working backwards I don't see how we can do too much before the January window opens. But I did get an idea of some urgency (at) consolidating what looks like a pretty close to consensus position and starting to put pen to paper on written advice.

And I do realize that one of the toughest parts of the written advice was the third piece of the Board resolution. See, they called for definitions, they called for measures but they also asked for three-year targets which means coming up with numbers for each of the measures we've got.

We've yet to really discuss that in the working group. And maybe that can go on in parallel with the drafting of the advice over the next couple of weeks. I'll close in saying that I did hear back from GAC representative - I think I shared with all of you that I wrote to GAC representative Suzanne Radell because during Dakar's affirmation - sorry Accountability and Transparency Review Team discussion they were focusing hard on the communications between the Board and the GAC.

And I asked as a matter of an example did the Board write the GAC a formal request for advice on the Cartagena resolution and the answer was no. Bruce Tonkin didn't know about it and Suzanne Radell said no that she hadn't received any written advice.

So the GAC apparently hadn't been paying much attention. I know you'd made some outreach to Heather and...

Rosemary Sinclair: Yes.

Steve DelBianco: ...so I followed up with Suzanne Radell. So I don't think the GAC is going to join in and work with us on this. But we wanted to make sure they were understanding what we were doing and would appreciate the fact that we have applicable national laws worked into the definition on consumer trust.

Rosemary Sinclair: Yeah.

Steve DelBianco: So I'll stop there. Back over to you.

Rosemary Sinclair: Okay. Okay thanks Steve. I wonder if there are others on the call who were in Dakar whether they would like to comment at this stage on the reading of the workshop to discuss our work?

Okay I'm not hearing any. I've got a bad line now with a lot of echo which is why I'm sounding like I'm stopping and starting. That's because I can hear myself as I'm speaking. That's better.

I wonder if in that case the thing to do is to pick up the issues that Steve has included in his session notes. I think these are probably the most substantive issues coming out of the workshop.

So would you, Steve, mind taking us through those issues - and perhaps Carlos would like to come in to that discussion - just letting us know which of

these issues you think has an implication for the work that we've done so far so that we can just get an idea of how much review we need to be thinking about.

Steve DelBianco: Well I'd just like to bounce it right over to Carlos. And, Carlos, maybe you could address the motivation and the implications of how you would like to clarify our definitions on competition and choice.

Carlos Aguirre: Steve, is the question for me?

Steve DelBianco: Yes, sir.

Rosemary Sinclair: Yes.

Carlos Aguirre: Thank you, Steve. First of all (met to) Andrew Mack who translate my bad English - in (unintelligible) English the definition that I wanted to put here is some of the - my points of view in relation with the two definitions.

I think it's (aided) insert or put in both definitions because are very related one - one of it. So if - for me it's very important. I don't know if your - what do you think about that? In my point of view the both definitions are very related and this part shows the (definition).

Rosemary Sinclair: So, Rosemary here, Carlos. So this would be seen as a kind of small background paragraph to let people know that we do see these two words, competition and choice, as being very connected even though we then go to offer a definition for each one that we can use when we're developing the metrics and measures.

So this paragraph that has been included in Steve's paper would be an introduction to those definitions. Have I got that right?

Carlos Aguirre: Maybe it's possible, yes, yes. It's a good idea to put in the introduction, yeah, very nice.

Rosemary Sinclair: Okay good. So what do others think about that idea? I think it's - myself I think it's a good idea.

Berry Cobb: Rosemary, Olivier has his hand raised.

Rosemary Sinclair: Thank you. I can't see hands being raised so thanks for pointing that out. Olivier.

Olivier Crépin-LeBlond: Thank you very much, Rosemary. Olivier for the transcript. I wasn't actually going to answer Carlos's points so perhaps I should defer until we have more input on that and then I'll - I was going to basically speak about the response that we've had on the - in the At Large sessions about consumers.

Rosemary Sinclair: Okay. So is - are there any other comments on Carlos's contribution? So I'm not seeing hands and I'm not hearing voices to tell me about hands. So, pardon me, I'm thinking there's no other thoughts on that. So perhaps we go back, Olivier, to your point?

Olivier Crépin-LeBlond: Thank you very much, Rosemary. Olivier for the transcript. I just wanted to share a couple of points that were raised during the At Large session where we touched on the issue of the work of this working group.

Unfortunately we didn't have very much time to devote to this subject. We had a very, very busy agenda. But one question or one comment that was made was that this working group looks at the consumer and effectively looks at it as consumer and end user in the way of an actual registrant of a domain name and is looking at the impact of a registrant or potential registrant of domain names before and after the launch of the new gTLDs.

Whilst the actual impact on end users is much greater than that if one looks at end users. It might not be something related directly to the confidence of a registrant in registering a domain name with a registrar and/or a registry.

I didn't have any answer to this. So I wondered whether this group was going to have a discussion on that or whether we would put this issue on the side and waited until we have a bit more time to address it?

Rosemary Sinclair: That's the same sort of issue that came up. And I'm just trying to look at the transcript. One person was making the point about trademark owners. So it's where you get an impact from someone who's not directly in the domain name system if you like.

Steve DelBianco: Rosemary, if I may?

Rosemary Sinclair: Yes, Steve.

Steve DelBianco: Olivier, I wanted to clarify the definition we had so far adopted for the consumer was two things; Internet users and registrants. And they are distinct. And in each of the definitions and measures we did try to put in both perspectives that is end users who care about trust and confidence, who care about having choice, and registrants who have the same considerations but they come about when they go to register a domain name or rely upon a registry to honor the promises they made when they put the registry up including reliability.

So I have the sense - and I know you do because you've been with us the whole way - that we tried to consider both Internet users and registrants, not contract parties, throughout this entire program. So I find myself wondering where - does your comment reveal that some folks in the ALAC thought we were missing something that we needed to add? Could you clarify that?

Olivier Crépin-LeBlond: Thank you. I think that's - Steve, I think that the bottom line might be that way that we presented it might have put too much of an emphasis on registrants rather than the end user. But I totally agree with you that this group has looked at having both end user and registrant's impact but it looks as though it might have not been communicated that well.

We're definitely at very, very early stage and it might just be that some of our members just try to remind this group that work should include end users as well. Cheryl might have more to share on this.

((Crosstalk))

Steve DelBianco: We put it in the order - you're exactly right. The order in which (unintelligible) the order of the affirmation (unintelligible) and therefore we ended up doing competition. We really should have done, like you said, a definition of consumer first then maybe handled consumer trust then competition and choice. We just switched the order we present them we might have avoided the reaction that you found. Thank you.

Cheryl Langdon-Orr: Yeah, Cheryl...

Rosemary Sinclair: That's a good point. Cheryl.

Cheryl Langdon-Orr: Yeah, Cheryl for the record. And I've got a terrible echo so I won't talk much. Yeah, I agree, Steve, I think we certainly need to pitch it more blatantly and bloodily obvious for those who choose not to hear what people keep telling them. And I think this is a case of that.

I made it very clear and I did the presentation because I moved them forward in the slide deck to show we had in fact made particular attention to the Internet end users.

However if we turn the order and indeed if we put in the large capital letters 16-feet high across the front of the paperwork that we are in fact not looking just at people with some formal contract or registrant relationship we might stop the hysterical reaction and overreaction that we're seeing in one or two people's minds.

And yes I am clearly in a bad mood. Thank you, Rosemary.

Rosemary Sinclair: Thanks Cheryl. I think that a change of order might be very helpful just to get that focused right. Wendy, did you want to make your point? I see it in the chat about stakeholders, right, no, okay, good. All right so that takes care of Carlos's point.

Olivier Crépin-LeBlond: And, Rosemary, Olivier here.

Rosemary Sinclair: Yes, Olivier.

Olivier Crépin-LeBlond: I'll put my hand up. Thank you. Olivier for the transcript. I think that with time and with the work that this working group will do things will become blatantly obvious hopefully for those people looking at the work of the working group. So we shouldn't worry too much about it.

We know that this was the first time we've come out there with explaining what was going on in the group. And I'm sure that there will be full support in the future. I'm very confident about that. Thanks.

Rosemary Sinclair: Okay. It's - thanks Olivier. It is useful to know where the points of concern are because with a slight change in our presentation we, you know, might avoid an unnecessary upset and discussion. So I think we should still do that change in order.

Okay so do we want to go to the next point which I think is the...

Steve DelBianco: Yeah.

Rosemary Sinclair: ...that's the Andy Mack point, Steve, that's one about speed of process I guess?

Steve DelBianco: Right. And it's speed with the recognition that if we want to influence the degree to which ICANN encourages IDNs and non-English language gTLDs that if ICANN knows that that is going to be part of the proposed definition and measures for the new gTLD program when it comes to choice well if ICANN were a real company it would manage to work harder to achieve things it would be measured on.

I know ICANN's not operating like a real company. It's our aspiration that we start to transform it that way. So if Andy Mack's comment were to be taken to heart it would just say don't change what we're doing; simply accelerate the output so that the advice arrives in the Board's hands where there's still time for the Board to encourage more IDN and non-English language TLDs.

But I think that's reasonable advice although I don't think we should necessarily abandon process and the charter just to get something done quicker. We're going to have to proceed at a pace that's - fits with the working group guidelines that we all have and making sure that we get as close as we can to consensus. I'll stop there.

Rosemary Sinclair: Thanks for that. Are there any other comments on that particular issue? Not seeing any hands or hearing any voices about hands. I guess my own point - or my own thinking about that is that in fact we're trying in this work to capture a process which reflects intentions.

And by feeding back our progress perhaps rather than the whole advice, which I think will be a little bit difficult in the timeframe, I'm just wondering in the monthly updates that go out to the ICANN community whether there's a way of just including some summary about our work so that people are aware

of the issues that we're grappling with ahead of us getting to the point of completing our advice and then working out our public comment process.

Because I don't think we should rush the work. And it seems to me that I understand the point Steve's making about the measurements influencing behavior; that's certainly true. But we should be measuring things that we were intending in the first place if you understand my meaning.

So what am I really saying? I think I'm really saying we should continue to work as quickly as we can. And if we can find a way of letting people know what we're doing then we should use that process of communicating and influencing. Are there any other thoughts about that?

Wendy Seltzer: Sure, this is Wendy. And I'll just jump in with a point that I made at the session that we haven't touched on in the summary which is that a lot of what we're doing is not normative work and it's descriptive. And the more I hear us veering into we should speed up so that we have an effect or we should try to - next when we get to measurement targets we will have to get to normative steps.

But at the moment what we have consensus on is near description. And I think it's critical to separate those because we may not in fact have consensus on the normative conclusions that we would draw about what should - what any of these particular measurements should be, what our goals for any of these measures should be or where we want to go.

Now I'm not saying that in specific reaction against the idea of having lots of language script TLDs but as a more general point that - on other issues there may be a greater divergence.

Rosemary Sinclair: Thanks Wendy.

Berry Cobb: Rosemary, we have Cheryl and then Steve.

Rosemary Sinclair: Thank you. Cheryl.

Cheryl Langdon-Orr: Can I go ahead, Rosemary?

Rosemary Sinclair: Yes, Cheryl, yes.

Cheryl Langdon-Orr: Thank you. I was probably getting the mute off message while you were saying go ahead. Cheryl for the transcript record. Wendy makes a really important point and as a segue to the issue I wanted to raise that while we're talking about making clear to the rest of the ICANN community what we're doing and indeed why we're doing it.

We probably also need to make it again a little bit more clearer to those who get excited about things of a consumer nature and indeed a consumer trust nature that this is precursor work for a full review team activity.

And there is I think a great desire in a number of different parts of this end user world where all sorts of wonderful (unintelligible) perhaps happen. But this work group's activity is not the way it is simply a way that we may get to the way that those things might happen.

And I think if we make it really, really clear in future presentations and in any public comment what the specifics and role of what we are doing in terms of precursor work, benchmark activity, trying to find our line in the sand that we can even compare to in a post-gTLD - new gTLD environment versus where we are now and why measurements and metrics are specifically requested of us that will also help perhaps - how to say this - calm down some of the reactivity that we may get as well.

Those debates have to happen but it's not actually our job to do it right now.
Thank you.

Rosemary Sinclair: Thanks Cheryl. And was it Steve?

Steve DelBianco: Thank you. Wendy, I had noted I think accurately your feelings about normative versus descriptive but I do respectfully want to point out that the affirmation of commitments contains normative statements in it; it is aspirational.

It says that ICANN should do - not does do - to be descriptive but ICANN should promote competition, consumer trust and choice in the DNS marketplace, that's in the affirmation.

And the affirmation also commits ICANN to a review one year after the new gTLDs. And it's a review that examines to the extent to which the new program promoted competition, consumer trust and consumer choice.

So I view those as normative statements that ICANN has. And our goal was to come up with a definition behind those normative statements, measures that would accurately assess the extent to which those definitions were achieved. And I really believe that that's hanging descriptive terms on normative concepts.

I will agree with you, though, that defining the three-year targets - I don't know where we're going to go with that. But if we do the first 2/3 of our goal hanging descriptive terms on normative concepts we will have done far more than this organization has ever done in terms of setting measurable goals early enough that management can try to achieve the goals. And I do think it's normative. I'm anxious to see what others think.

Rosemary Sinclair: Other - anyone else wanting to comment on these thoughts?

Wendy Seltzer: So, Wendy; just to respond briefly. I think there's a difference between the definitional stage and the use of those measurements. And I think the precise normative disagreement may first come out when we try to figure out how

these various measurements map toward the concepts of competition and choice and consumer trust in particular. We may have different views about what it means to take any of these measurements.

Rosemary Sinclair: Thanks Wendy. Any other thoughts on this? So I think where we're up to is continuing with our work pretty quickly as we have been doing with our fortnightly calls.

Perhaps should we perhaps explore for a minute the progress of this work? When we get to writing up our definitions, measures and metrics and then we have to think about targets what sort of a process do we want in terms of public comment on our work? Has there been discussion about that or anybody got any thoughts about that?

If I could perhaps just throw one more thought in I'm just wondering whether we need to get agreement on definitions, measures and metrics separate to agreement on targets. And I'm just thinking if we try and wrap all this up in one and we find when we fit targets to something that people don't even agree with the definition I'm thinking maybe that's not a very useful process.

Anyway as you can hear in my voice I'm just mulling this through. So do others have thoughts on this process idea - process issue?

Steve DelBianco: I do, Rosemary, it's Steve.

Rosemary Sinclair: Yes, Steve.

Steve DelBianco: I believe we could begin drafting advice. Again it's not a report - a fact-based report it's advice. It would be worded like a letter. It wouldn't come from any particular AC or SO; it would be worded more generally so that each AC/SO would have the opportunity to embrace it. We'd have to explain all that.

And I believe we are close enough to begin drafting only the definitions and suggested measures. I don't think we're anywhere near ready to attach three-year targets to any of these.

I would also say that when we list the measures behind a given definition that we don't even necessarily know the priority or the weight that's given to any particular measure. And, Wendy, I'm actually trying to be very responsive to the last thing you said.

That for instance if we take the definition of consumer trust we have about six or seven bullets on Slide 14 for proposed measures for consumer trust. And a working group might come to consensus and say that, yeah, those seven bullets I'm generally in agreement with.

But we haven't ordered them in a way that says that the first one is the most important and the last one is the least important.

Rosemary Sinclair: Yeah.

Steve DelBianco: We haven't tried to imply any relative weight on that because, again, we are trying to give advice to the Board who would take it all under account, maybe pass it along to staff or management and then basically park it until the Affirmation Review Team convenes in probably December of 2013; one year after the first one is launched.

So I believe that we could move faster towards a consensus advice document if we try to do definitions and measures before we start putting numbers - three-year target numbers into it. So it's basically two passes through through the working group before we even get to the point of putting it out for public comment. Thank you.

Rosemary Sinclair: Okay so just let me understand this, Steve. So it would be a document in letter form to make sure that we're reflecting it as advice. And it would cover our definitions and proposed metrics and not...

((Crosstalk))

Steve DelBianco: Right and I want to be clear. Metrics - I want to use the right phrase from the Board resolution. What the Board asked us for...

Rosemary Sinclair: Good.

Steve DelBianco: ...was definitions, measures...

Rosemary Sinclair: Yes.

Steve DelBianco: ...which are things like statistics and then finally three-year targets.

((Crosstalk))

Steve DelBianco: And we always use the word metrics, I realize that but definitions...

Rosemary Sinclair: Okay.

Steve DelBianco: ...and measures are the two things I felt we should try to get into writing and get consensus on before we go to the three-year targets. Sorry.

Rosemary Sinclair: Well that - I agree with that process. I think trying to rush to the targets is just going to create so much confusion and uncertainty. Do others have a thought on that proposal that we actually have a go even perhaps before our next conference call in pulling together this advice? Sometimes I find it's better to put the straw man in place so that you can see what you really think about something. Do others have a view on that?

Steve DelBianco: I have a follow up, Rosemary.

Rosemary Sinclair: Sure, Steve.

Steve DelBianco: While we're waiting...

Rosemary Sinclair: Yeah, go ahead.

Steve DelBianco: The outline that you put forth for today, Item 4 on your outline, dovetails to the current discussion we're having which is with respect to these measures we would be asking staff's help to know whether those measurements are obtainable given the reports that ICANN gets today.

Rosemary Sinclair: Yes.

Steve DelBianco: Whether they're obtainable but only if we get contract parties to turn it over, right?

Rosemary Sinclair: Yes.

Steve DelBianco: Or things that have to be - where we have to create mechanisms to measure it.

Rosemary Sinclair: Yes.

Steve DelBianco: And the importance of timing is such that when we measure before and after the gTLD program you really don't have to start measuring that stuff until December of 2012 so there's plenty of time to develop the before and after snapshots.

But I do think we need staff's guidance so that we don't end up with 2/3 of our measures being very difficult or expensive to obtain or that measures that have to be pulled unwillingly from the grips of contract parties. Thank you.

Rosemary Sinclair: Yes I've always thought myself that it was very important that we should be advising people to do what is doable rather than, you know, sending people off on mission impossible. So that Point 4 really reminds us that we have yet got that piece of work to do which is to go through our measures and see which category of accessibility the measures fit into.

And perhaps we should think about doing that work as our next step? Maybe that can happen in parallel with the advice being drafted. I wonder if anybody from staff wants to make a comment on this process that we're exploring perhaps from a workload sense or any other sense?

Margie Milam: Rosemary, it's Margie, if I may reply?

Rosemary Sinclair: Thanks, Margie.

Margie Milam: With regard to the process it sounds like we're talking about an advice letter as opposed to a formal report. And certainly on staff's - we could certainly take a stab at drafting that for the working group's consideration if that's what you'd like us to do now. We'll take the input that we got from Dakar, the slide deck, and kind of try to formalize it in a letter format.

Steve DelBianco: But I got the sense Rosemary was asking staff if you had advice about the do-ability - the capture-ability of some of the measures that are proposed onto Slide 11, you know, the measure slides, Number 11, Number 14 and Slide 16. Is that right, Rosemary? You were looking for something a little more...

Rosemary Sinclair: Yes. No that's exactly right. I was wondering, Margie, if staff could have a look at the proposed metrics on those various slide numbers and just give us some advice about how those different metrics fall into the categories outlined in Point Number 4 on our agenda. But in parallel drafting a - the letter

of advice would also be helpful. So I guess I'm asking for two pieces of work to be done by staff. Could you let me know what you think about that?

Margie Milam: Yeah, this is Margie. We can follow up and determine whether this information is available. Which slides specifically are you referring to so I can look at them?

Steve DelBianco: Margie, they're slides that have the inappropriate term, metrics, on them so there's going to be three. They'll be the three slides that follow the definition for each of our three items, right? So it's Slide 11; that was the proposed measures for competition like the number of gTLDs. I know that one you're going to say no problem.

Number of suppliers, you'll probably come back and say well do related parties count as distinct. And the third bullet on there was market share of those suppliers before and after. And market share is difficult; you have to come up with the number of names in the numerator and the number of total names in the denominator. That's Slide 11.

If you jump to Slide 14 it was the measures for consumer trust. There are seven of them on there so far. Slide 16 was the proposed measures for consumer choice. And there are only four on there now. And so those measures are not the whole universe but Dakar workshop meeting, AT&T proposed some other things that we should also try to work into our conversation today.

They have to do with pricing both wholesale and retail prices because they'd like to add that on Slide 11 to competition measures. I don't suppose that would be difficult but we haven't vetted it with this whole team to see whether we think it's an appropriate way to measure the effect of competition. Thank you.

Margie Milam: Thank you, Steve. And yes we can build a chart I guess that pulls out all these metrics from these - the slides you mentioned and then check internally to see what's accessible, what's not accessible and report back to the working group. I think that's a reasonable request.

Rosemary Sinclair: And in terms of the draft letter of advice are you able to progress that at the same time, Margie?

Margie Milam: Yes. Yes, fortunately I have additional staff folks that are helping me on this project. We've got Berry and we've got Brian Peck and so between the three of us we can divide up the, you know, the work and - something for the team.

Rosemary Sinclair: Okay. Now is there anyone in the working group that is not happy for us to proceed these pieces of work by staff? Bearing in mind that I want to go back to Steve's comments from Dakar because there were some issues there that we should discuss.

And further my recollection was that we hadn't quite finished the work on consumer trust. So in the meantime we might want to have a bit more thought about that.

But in terms of process, writing the draft - first draft of the letter of advice and looking at the measures are there any comments that anybody would like to make about that? Not seeing hands, not hearing voices. We'll proceed then with those two pieces of work by staff. And thank you, Margie, for managing those.

Could we go back now to - sorry?

Berry Cobb: Rosemary, this is Berry. I think one thing that you may have missed in the Dakar session we did talk about at what point in time we would try to offer up a public comment period.

And I guess this avenue of drafting an advice letter I don't know how that fixes then to what we had basically talked about in the session as should we submit our report to the Council first and then open up a public comment session or should we do the public comment session first and then submit to the Council?

This advice letter kind of changes that up to a degree because it's an advice letter back to the Board not necessarily to the Council. So I don't know if we need...

Rosemary Sinclair: I think our charter is very clear on where we have to go first and that's back to the Council whether we call it an advice letter or a report or a menu. Am I right about that?

Steve DelBianco: Well let me ask you, is it clear about when the working group publishes a draft advice document for community public comment?

Rosemary Sinclair: I don't think it...

Steve DelBianco: I realize we don't send anything to the Board prior to going...

Rosemary Sinclair: Yes.

Steve DelBianco: ...to the GNSO, ccNSO, ALAC. But what's the right time to go to the community? Thank you.

Rosemary Sinclair: I can't recall our charter being specific about community involvement. But my own preference is when we have our work in a reasonable shape that we get advice from the community and then take that advice and feed that to the Council as part of our advice.

Council may then decide to add, change, vary, whatever and what have you and may want to have a further period of public consultation. But my own

thoughts are that we should have community input before we put our advice to Council. Are there any other views on that matter?

Steve DelBianco: I'll certainly concur about getting community input before we provide it to Council.

Rosemary Sinclair: Well we can - sorry, someone wanting to come in?

Berry Cobb: I was just going to add - this is Berry - that was kind of the general momentum out of the Dakar session that we should - the consensus seemed to be that we should do the public comment session first.

Rosemary Sinclair: Okay.

Steve DelBianco: Berry, this is Steve. Did we have any insights as to the working group procedures or charters that would get in the way of that plan?

Berry Cobb: This is Berry. Up to this point no. I think I'd sent a letter out to the group but I may have been having a major domo mail issues so I'm not sure if the working group got it or not. But - and the Council's deliberations about any of this the topic of public comment sessions was never discussed. And it's definitely not mentioned in our charter.

So it should seem that we kind of get to define our own - or the working group gets to define their own course as to how they wish to share with the public. And, Margie, correct me if I'm misstating any of that.

Steve DelBianco: And this is Steve. I just want to reiterate again in no way do we provide advice to the Board; this whole point is just to get community input before GNSO, ccNSO and ALAC get it for their consideration.

Rosemary Sinclair: Yeah. Okay so in general terms we're agreed that we'll get our letter of advice sorted out amongst ourselves and then the next stage for that will be a period of public comment for our working group use. Good.

So now could we spend some time back on the comments that came out of the Dakar session that Steve recorded for us?

Steve DelBianco: I can quickly jump to the ones that came from AT&T and they were made partly at the meeting in Dakar and partly by email afterwards. They had suggested on the competition slide - Jeff Brueggeman - I shouldn't say AT&T - happens to be with AT&T. But he believes that we should look at prices.

((Crosstalk))

Steve DelBianco: Retail and wholesale prices of what a registrant pays for I guess a one-year registration of a domain name. And that - that measures could be added to Slide 11 as a way of asking staff's input about the availability of those statistics. And if staff wants to advise us as to whether they think they're even applicable we're anxious to hear it.

What's the group think about looking at wholesale and retail prices on the competition points?

Rosemary Sinclair: From my experience in the telco sector, Steve, I would say it's very difficult particularly if you're trying to get to wholesale prices. And I think in fact we touched on this issue some time ago, did we not? And there was I thought a staff comment about the difficulty of collecting price information just in terms of the number of prices.

Anyway so I entered this discussion with great hesitation. Perhaps wholesale prices in the domain name space are not as tricky animals as wholesale prices in the telco space. But it became an area of artful gaming as to what...

((Crosstalk))

Steve DelBianco: Rosemary, you may be onto something because the new gTLDs have no requirement of a single price; they're allowed to price premium names different than non-premium names. So it might be very challenging both in wholesale and retail to come up with pricing.

You might be able to observe averages for the average registered name but there are multiple tiers of prices that's permitted under the new gTLDs.

Rosemary Sinclair: Yes and of course that's what you'd expect to see in a competitive market, you know, a range of prices. Yeah.

Olivier Crépin-LeBlond: Rosemary, it's Olivier if I can jump in?

Rosemary Sinclair: Yes, Olivier, please.

Olivier Crépin-LeBlond: Thank you, Rosemary. Olivier for the transcript. I think we're - we come in front of various business models which might be very different from applicant to applicant. And I don't think it's going to be causing any significant change in average prices or whatever.

I mean, it's - it just sounds like an extremely complex operation especially if one looks at wholesale prices where you can be sure that you will never get the real amount - the real price, you'll never be able to get that because, you know, this is often special deals, quantity, volume, frequency of purchasing, etcetera, etcetera, it's really down to they're own business models.

And I have a feeling that it might open the industry to have to share their business models too much with non-industry or actually not even with non-industry but with competitors.

Steve DelBianco: Does that argue for focusing staff on retail prices and not wholesale?

Olivier Crépin-LeBlond: I don't know, Steve. I leave that one open. I'm afraid I don't have an answer for you on this one. It just sounds like a very, very tough one in both cases - both on retail and on wholesale. And certainly, yeah, find out what the average price is; if the average price has gone down or up but it will really depend on, you know, on how you collect those.

Do you collect that on advertised prices or do you actually do an opinion poll out there and ask customers if they're - if the price has gone down?

Steve DelBianco: I have one suggestion for staff. When you size up this measure consider giving us observed prices, for sunrise names, for premium names post-sunrise and for non-premium names. So there'd be three categories of prices for each gTLD. And let's figure out if we can assess that without having to ask anybody to reveal a business model as Olivier was describing.

And again it would be one-year out after the launch. So it could be a few hundred gTLDs each with at least three statistics.

Rosemary Sinclair: Which sounds like an awful lot of work to me for a purpose that's not clear to me. And I'm just wondering whether we should hold this matter over to our next call because we've had a number of - because people have to leave the call at the moment.

And I think this is an important one that we need to get consensus from the working group before we add this to our measures because I don't think we've got pricing at the moment, have we, in our measures for competition it would be?

Steve DelBianco: No, in earlier drafts when the Business Constituency had thrown in the notion of reasonable prices - and I think that the word reasonable really threw people because how the heck...

Rosemary Sinclair: Yeah.

Steve DelBianco: ...could we know what reasonable is? This is more...

Rosemary Sinclair: Yeah.

Steve DelBianco: ...descriptive not normative in the sense it just wants to figure out if the average prices have come down. Because if you want to look back a year after the new gTLDs are out and people are paying a little less - registrants are paying a little less for a domain name it probably argues well for the new gTLD program.

Rosemary Sinclair: It might, Steve, but perhaps, you know, what happens if someone comes in with .bank or .health or whatever and because of various, I don't know what, security levels or value added services they're offering the price of those domain names is \$1000?

Steve DelBianco: Well that's the beauty of capturing the three statistics for every gTLD, right? For every gTLD we not only know their sunrise premium and non-premium prices we'd also know whether the gTLD was a single registrant TLD or an open public gTLD. So .bank being a single registrant...

Rosemary Sinclair: Yeah.

Steve DelBianco: ...would be a controlled group and its prices would not be counted, I guess, when you do a comparison of before and after prices.

Rosemary Sinclair: Yeah.

Steve DelBianco: But it's a great point and it just brings to mind that our database would have to identify the nature of each gTLD if it was a single registrant, a brand, a community-base then naturally its prices are going to be different than a publicly available gTLD.

So I agree with you. We'll defer any decision on this. But I thought the discussion did reveal - even the discussion we had just now that exchange reveals the kind of things that we'd love to get into our notes for the next call.

Rosemary Sinclair: Sure. Yeah, no I think we should just take this issue of pricing and whether we want to include it as a proposed measure and have a focused discussion on that. And in fact that was the point that I was going to make from - when we got back to your notes. Could we go back to Steve's notes again because I think that is a big issue and it needs a - careful discussion with the working group.

Were there any other issues? I think we've probably got about five minutes more. Olivier, was that you?

Olivier Crépin-LeBlond: Rosemary, yes it's Olivier for the transcript. I like what I'm hearing from Steve. It's just, you know, it's very ambitious. Maybe we have to be ambitious, I don't know. But certainly punting it to the wider group for them to discuss is a good way to go.

And I'm afraid I have to run. I've got another call...

Rosemary Sinclair: Thank you.

Olivier Crépin-LeBlond: ...which has started three minutes ago so I'm already late.

Rosemary Sinclair: All right. We'll...

Olivier Crépin-LeBlond: Thank you for all that.

Rosemary Sinclair: ...hear from you again in a fortnight. Steve, I'm wondering would you mind just putting your thoughts onto a slide so that at the next meeting we can use

that to focus our discussion - the three examples that you were giving us just now - would you mind...

Steve DelBianco: On pricing? Absolutely on pricing.

Rosemary Sinclair: Yeah just on pricing.

Steve DelBianco: I'll - since we're about to wrap up I'll just type it into the chat here.

Rosemary Sinclair: Okay great.

Berry Cobb: And, Steve, I actually have a question too more out of curiosity is if we did start to look at this matrix of pricing pre-sunrise, premium names, non-premium names post-sunrise and then we start distinguishing between open versus closed communities and this is all under the umbrella of competition how can we state that there's - or how do we begin to measure competition from one closed community to the next for instance a .bank versus a .doctor?

They're completely different verticals that have nothing to do with each other. Are we kind of getting in the weeds is my - it's just a thought basically.

Rosemary Sinclair: Yes. Yeah, yeah. No I think these are...

((Crosstalk))

Steve DelBianco: You only have to compare like to like. So data capture is almost always better to be comprehensive so that if we were capturing three single numbers for each gTLD we'd also capture the designation of the gTLD. And then when it comes to data comparison you might well ignore the community and single registrant TLDs when you do the price comparisons.

So you really are trying to say that pricing to the average domain name or registrant who's not a member of a special community has gone down, has gone up or has not changed.

You're right, I mean, but if we don't capture the data we'll never a chance to know. And I don't propose for a minute that we want to comingle prices for .bank with prices for .web; they're different.

Berry Cobb: Right.

Rosemary Sinclair: But when we go back to the affirmation of commitments, back to our discussion about normative and aspirational and (intention) I - it's not my sense that the pricing of domain names was really the issue that people were trying to capture; it was the diversity of domain names which really I suppose lies at the heart of the new gTLD program.

And that goes to my point of trying to reflect what was - what's important in this whole program; we're trying to review a program 12 months down the track for whether it promoted competition, consumer trust and consumer choice. So at some point...

Steve DelBianco: Ironically the pricing that AT&T was proposing...

Rosemary Sinclair: Yes.

Steve DelBianco: ...probably fits better with consumer choice than it does with competition doesn't it?

Rosemary Sinclair: Yeah, yeah it probably does. Anyway all of which says we just need to have a meeting to discuss pricing doesn't it? I think that's the best outcome on that from this call.

Now is there anything else that we need to cover off from your notes from Dakar, Steve? Was there any other issue that you feel we should spend some time on?

Steve DelBianco: Well I wish Wendy were on the call to hear me say this but the other AT&T point was to expand the definition of consumer...

Rosemary Sinclair: Yeah.

Steve DelBianco: ...to include registrants that don't even want to register the name that is to say defensive brands who didn't want to register at all. And I don't agree with AT&T's idea on this one. I so miss having Wendy say I can't believe Steve said that so. We should take that up with the broader group.

Rosemary Sinclair: Okay.

Steve DelBianco: Take it up with the broader group...

Rosemary Sinclair: So that you can get your stroke next time.

Steve DelBianco: Got to, yeah, they don't come often with Wendy and I so.

Rosemary Sinclair: All right well let's start the next meeting by going back to the set of Dakar issues and focus on pricing. I guess...

Steve DelBianco: Right and also Analisa Roger made a very interesting idea for choice. She said there are statistical measures of diversity. I'm ignorant of that; I don't know how one measures diversity. And if there are statistical measures of diversity they would work really well for diversity of registrants in the new gTLDs.

Rosemary Sinclair: Right.

Steve DelBianco: It comes into the choice category probably.

Rosemary Sinclair: Okay well I...

((Crosstalk))

Steve DelBianco: Does anyone on the call have any idea how you statistically measure diversity?

Rosemary Sinclair: I will go and ask my head of the school of economics...

Steve DelBianco: Outstanding.

Rosemary Sinclair: ...how - how one would measure diversity in a market and he will refer me to some important academic paper which I will send to staff. How about that, Berry?

Berry Cobb: Sounds good.

Rosemary Sinclair: All right, look, I think we might leave it there for today. Thank you, Steve, so much for...

Berry Cobb: Rosemary?

Rosemary Sinclair: Yes?

Berry Cobb: I'm sorry, this is Berry. Just one more topic is basically our next meeting. I'd just like to advise...

Rosemary Sinclair: Yes.

Berry Cobb: ...the working group that the policy staff will be in a closed meeting the week after Thanksgiving so really that kind of - next week's not going to - we're not

going to have a meeting so I'd like to understand if you'd like to try to run the meeting on the week of the 5th or save it until the week of the 12th. And keep in mind that we're going to be bumping into the end of the year holiday season as well.

Rosemary Sinclair: So ordinarily our meeting would have been on the 29th.

Berry Cobb: Correct.

Rosemary Sinclair: Okay so...

Berry Cobb: Should we try moving it to the 6th so that we can squeeze one in on the 20th before the end of the year?

Rosemary Sinclair: Yeah, I think we should do that.

Steve DelBianco: Agree.

Rosemary Sinclair: Yeah, okay so if you'd ask everybody - fingers crossed that's okay - we'll do the 6th and the 20th. That would be terrific.

Berry Cobb: Great.

Rosemary Sinclair: Okay. And just lastly for the record I just really wanted to say thank you, Steve, to you in my absence in Dakar for carrying this issue forward and then bringing back the points that were raised. It's much appreciated and was very helpful.

Steve DelBianco: Hey, no problem. We had a great team there and staff was fabulous in their support.

Rosemary Sinclair: That's terrific. All right everybody well hopefully we'll get together on the 6th.

Steve DelBianco: Thanks everyone. Thanks, Rosemary and staff.

Rosemary Sinclair: Thanks. Bye.

Steve DelBianco: Thank you all.

Rosemary Sinclair: Bye-bye.

END