Consumer Metrics Project Discussion
TRANSCRIPTION
Tuesday 12 July 2011 at 2100 UTC

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http://audio.icann.org/gnso/gnso-consumer-metrics-20110712-en.mp3

On page :

http://gnso.icann.org/calendar/# <http://gnso.icann.org/calendar/#jul
(transcripts and recordings are found on the calendar page)

Participants on the Call:

Rosemary Sinclair - NCSG
Debbie Hughes - NCSG
Wendy Seltzer - NCSG
Jonathan Robinson - Registries SG
Steve delBianco - CBUC
Carlos Aguirre - NCA
Olivier Crepin Leblond – ALAC
Evan Leibovitch – ALAC
Cheryl Langdon-Orr - ALAC
Alex Gakuru - NCSG
Jonathan Zuck

ICANN Staff:
Liz Gasster
Margie Milam
Glen de Saint Géry
Gisella Gruber-White
Brian Peck

Apologies
Philip Sheppard - CBUC
John Berard – CBUC
Beau Brendler - At–Large
Tim Ruiz - Registrar SG

Coordinator: ...inform all participants this conference is being recorded. You may begin.

Gisella Gruber-White: Thank you (Bobby). Good morning, good afternoon, good evening to everyone on today's Consumer Metrics Project Discussion call on Tuesday the 12th of July. We have Alex Gakuru, Carlos Aguirre, Steve DelBianco, Olivier Crepin-LeBlond, Rosemary Sinclair, whose just disconnected again, Jonathan Robinson, Wendy Seltzer, Jonathan Zuck.

From staff we have Liz Gasster and myself Gisella Gruber. And we have apologies from John Berard, Beau Brendler and Tim Ruiz. If I could please just remind everyone to state their names when speaking for transcript purposes. Unfortunately Rosemary hasn't connected again. So we may just need to wait a couple of seconds until she comes back on the call.

Margie Milam has also just joined the call. Welcome Margie.

Margie Milam: Hi.

Gisella Gruber-White: We're just waiting for Rosemary. I've done the roll call. We've started the recording and Rosemary has not reconnected. She's having connectivity problems.

Margie Milam: Oh, okay. Okay. Good. Yeah, unfortunately I'm not on Adobe Connect right now. So I'm just going to listen in.

Gisella Gruber-White: Lovely.

Margie Milam: Okay.

Gisella Gruber-White: In the meantime Debra Hughes has joined. And so has Seth Green from staff. Thank you.

Margie Milam: Okay.

Gisella Gruber-White: I'll let you know as soon as Rosemary's back online.

Margie Milam: Okay.

Liz Gasster: Margie, I'm on too. It's Liz.

Margie Milam: Okay. Thanks. Hi Liz.

Debra Hughes: Hey Margie. This is Debbie. I'm actually traveling. I have a document printed but I won't have access to any email or anything that's online. Okay.

Margie Milam: Okay. Okay.

Gisella Gruber-White: Rosemary, welcome back.

((Crosstalk))

Gisella Gruber-White: ...just to say I've done the roll call. If I can just remind you as I said when I did the roll call if you could all please state your names when speaking. It is for transcript purposes. Thank you. And Michael Salazar has just joined us as well. Thank you. Over to you Rosemary.

Rosemary Sinclair: Great. Okay. Well we've got the agenda in front of us. And I wonder if we could go to the second item, which is the schedule for future calls. I'm going to suggest every two weeks. But what do others think about that? So shall we go - oh, Steve's talking - two weeks. Okay.

So would everybody be happy if we schedule for every two weeks understanding of course that not everybody is going to be able to join every time? And I think we're getting a comment from Wendy.

Wendy Seltzer: I was just asking what's going to - oh, Wendy. Was going to ask whether we really think we need to meet that frequently. But with your comment, everybody may not be able to join every time perhaps that's a mitigation.

Rosemary Sinclair: Yes. Yes. So it's - well, we'll just try it Wendy. And I guess if we find that two weeks is really too frequent, then we can change our approach. But I think if we put it in place for every two weeks, then certainly people like me can just work around that then. So shall we try that?

Woman: Yeah.

Rosemary Sinclair: Okay. Okay. So we've got a little bit of support in the chat for that. So let's try that. And does this time suit everyone who's on the line or is there someone that we're really making life very difficult for? Multiple are not great. All right.

                    Well, why don't we adopt the approach of shifting the timing a little bit? But manageable. Okay. Gisella, I wonder if I could ask you, and tell me if I'm not asking the right person, to just suggest different times every second Wednesday so that everybody gets a fair share of the rotten times.

Gisella Gruber-White: Yes. So Gisella here. Just every second - yes, Wednesday for you, sorry. Yes Rosemary.

Rosemary Sinclair: Yes. Sorry. Sorry.

Gisella Gruber-White: Okay. I'll come up with a schedule. Doodle Paul and clearly state to please choose times. And then what I suggest is one, if people agree to that then one Tuesday we could have it at this time and then two weeks later we could have it at another time. I'll sort that out.

Rosemary Sinclair: Fine. Okay. All right. Thanks for that. Now schedule for document preparation. Again I just wanted to have a broad discussion here. I have been

thinking that where we need to go with this is to get a document which actually collects thoughts and various perspectives.

In my other life, I would call that a discussion paper. You know, ICANN life I think I call that an issues paper. But I'm not really sure. And I'm really looking for guidance. But I - my own (intent) is that we need to have a discussion before we get into a formal process of advice back to the Board. But I'm really open to other people's views on this.

Cheryl Langdon-Orr: Hi Rosemary. Cheryl here. Sorry I joined late.

Rosemary Sinclair: Hi Cheryl. Welcome.

Cheryl Langdon-Orr: Thank you.

Steve DelBianco: Rosemary. Steve DelBianco for a question.

Rosemary Sinclair: Hi Steve. Yeah.

Steve DelBianco: So you were asking about the document. And if we work backwards from our end result, our end result would presumably be a written response to the Board's resolution question to the Board (unintelligible) ACSOs.

Rosemary Sinclair: Yeah.

Steve DelBianco: And you're right. That would be working backwards. So we'd be answering the question about definitions with the second section with potential metrics. But I am cognizant of the fact that the four ACSOs involved here; it's really three because the GAC may not participate.

Rosemary Sinclair: Yes.

Steve DelBianco: We would be submitted this draft set of responses to the Board to each of our respective ACSOs and presumably those Councils would then endorse, modify or otherwise amend and then forward it on to the Board.

Rosemary Sinclair: Yes.

Steve DelBianco: And so our working group itself wouldn't necessarily submit the document to the Board. It would be presumably from the ALAC, ccNSO and GNSO. Did you have that in mind?

Rosemary Sinclair: Yes. That's what I had in mind. And the - I suppose the alternative is that you have a document and then we get a cross community working group which winds up making the same recommendations again in my (powers) to the various entities, GNSO, ccNSO, ALAC and its advises GAC about what we're thinking I guess.

And then either people accept the recommendations or they go their separate paths. So I think we get to the same points there where you've got formal advice from the GNSO and formal advice from - or recommendations perhaps from GNSO, formal advice from ALAC and GAC.

But this is what I'm struggling with a bit just how to do - how to do this since the Board has asked all the four entities to respond.

Michael Salazar: Hey Rosemary, this is Michael Salazar. I have a question or a comment.

Rosemary Sinclair: Sure.

Michael Salazar: So in terms of the timing, and I've looked at the agenda here and some of the comments that have been posted. Is there a thought that we're going to capture metrics on the evaluation process so how many applications were evaluated, you know, were they done on time, et cetera.

If they are, then I would need to know that because I'd have to make sure that I built that into the program prior to launch.

Steve DelBianco: Rosemary, this is Steve DelBianco. If I might be able to respond.

Rosemary Sinclair: Sure. Thank you.

Steve DelBianco: Hey Michael. That's a great question. That's the whole point of metrics is if we know what they are ahead of time, then management tries to behave in a way that meets the metrics. But in this case it's probably premature to say that we'd have metrics about the evaluation process.

But if we did, it'd be essential that your process captured data on the nature and origin of all the applications that come in. And then we would be able to track the data on which applications are approved and which are rejected, which survived through contention.

I think all of that data would be collected and transparently available just as part of your evaluation process. I can't imagine us needing data that isn't already going to be captured.

Michael Salazar: So if I can respond. Yeah, I agree Steve. I don't think - I think there's a lot of data that we will capture. But I'm wondering if as in looking at the program and the applications that will come in if I can maybe start thinking about some of the other metrics that might be useful, at least pose them, we can, you know, we can decide whether or not we think they're going to be useful. But - or whether or not they'll ultimately be approved.

But if I've at least proposed them, I can, you know, it may not be a stretch for me to build in ways to capture that information. And then again, we at least have it available so that if we decide that we want to report on it that we can so easily.

Steve DelBianco: Well then Michael I would suggest making sure that when you're applications get logged that you have an attribute that you can indicate for each application. The attributes could capture concepts of consumer choice; for instance, linguistic community, yes or no; IDN script, yes or no.; particularly targeted regional community, yes or no.

So those would be attributes of an application that would later point to the fact of how broad a set of choices of TLDs were solicited during the application process.

Michael Salazar: Yeah. And I think we can do that. Again, I could probably take some guidance from the comments that are included in this agenda to maybe start thinking about what some of those are.

Wendy Seltzer: So this is Wendy. And I think that it's great to have you participating in the discussion. I think it's way premature for us to be suggesting particular attributes that should be logged.

Michael Salazar: Yeah. And I think Steve's right though. A lot of them we'll just be able to back into pretty easily.

Rosemary Sinclair: Okay. So Rosemary again. So can we just get back then to this issue about the - our process I guess? And I note a comment from Alex that that's what we're talking about is an issues paper rather than an issues report. Liz, could you explain to me the specific meaning of an issues report?

Liz Gasster: Well sure. An issues report refers to a report in the bylaws - in Annex A of the bylaws that govern the GNSO. That is a paper that the staff writes. And it's a paper on a particular, you know, problem that's been identified or a issue that the community wants reviewed.

And in the bylaws in Annex A there's specific requirements for what an issues report is supposed to address like whether the issues and scope and those

kinds of things. But it's directly something staff produces on a - as a preliminary step on a policy issue typically. It's done a the request of...

Rosemary Sinclair: Right.

Liz Gasster: ...the Council and it usually precedes a official policy development process. So in this case we have something a little different. We have the Board requesting advice from a number of SOs and ACs on definitions and metrics, you know, for a new program.

That is not - so this is not a PDP in the sense that we're developing or recommending a new policy that would be, you know, applicable to registrars and registries or applicable to ICANN where, you know, you all are recommending potentially definitions and metrics.

I think was is relevant is that it's a working group that needs to operate under a charter or under, you know, an understanding of what the goals and the assignments are and, you know, have that approved by your sponsoring organizations, you know, before it goes to the Board as advice.

That's different from a PDP per se. And so the work product of this group as a working group whether it's chartered by the GNSO and just has participants from other organizations involved or whether it's targeted by multiple organizations and so you go back to your organizations and approve the charter that comes out of this group that Margie's on the line too and, you know, that's something for you all to discuss and for us to, you know, add value as we can.

But I think you want to just stay away from that terminology because, you know, if you're talking about a report of the working group, you know, views on what the definitions should be and the metrics should be, you are talking about more of a discussion paper or working group report.

And I don't want to, you know, to the degree you can distinguish it from an issues report that means something qualitatively different, I just think that'd be less confusing for the community where - and also, you know, different rules when it's a PDP apply that don't, you know, don't really govern this group. I hope that's helpful.

Rosemary Sinclair: Okay. So coming out of that, two ideas. One that our document is a working group report and then the second is the question of whether we need to go back to GNSO, ALAC, ccNSO and I'm not sure what our process is with GAC but including them for the moment to get a charter for this group. So I'm wondering what other people think about that.

Steve DelBianco: Rosemary, it's Steve DelBianco. If I could get in the queue.

Rosemary Sinclair: Sure. Is someone managing the queue? Where am I looking? I can't see a queue on my screen. Sorry about this.

Liz Gasster: It should be on the right hand side where it says participants.

Rosemary Sinclair: Yeah. I've got attendees participants. I'm not seeing any hands my right hand side. Anyway Steve I think is first in the queue. Can anyone else see the queue? Gisella or Liz?

Gisella Gruber-White: No.

((Crosstalk))

Rosemary Sinclair: Now I've got Jonathan Robinson in the queue.

((Crosstalk))

Jonathan Robinson: Yeah I wasn't speaking. I'm just actually showing you my hand.

Gisella Gruber-White: Thank you.

Rosemary Sinclair: Thank you Jonathan.

Woman: Cheryl.

Rosemary Sinclair: Cheryl's in the queue as well.

Cheryl Langdon-Orr: I'd like to be.

Liz Gasster: Rosemary, while you're taking people in the queue, just so - you know, the charter can be written by this group, you know, and you can go back to make it simpler. This group is already designated as, you know, responsible for this matter and you can define how you think it should work and then just go back to your organizations for their review and approval. It doesn't have to come from them technically. And I just mention that while you...

Rosemary Sinclair: Yeah.

Liz Gasster: ...pick up on the queue.

Rosemary Sinclair: Sure. Okie-doke. Well I - Steve. Okay, now I've got Steve in the queue. Great. Thank you everybody for your patience with me on this. Steve.

Steve DelBianco: Thank you. The resolution that the Board adopted asks of us - they didn't ask us to do policy. They didn't ask us to do a report. They asked us for advice. That's the word they used. I guess that's coming off of the fact that the GAC is one of the four folks that were asked.

They asked us for advice on definition of metrics, and all the (whereases) before that resolution cited the affirmation to commitments and the requirement that a review be conducted of the new gTLD program, you know, a year after its launch.

So it was meant to be asking for advice about definitions of metrics in anticipation of the fact that the Board and the GAC will create a review team a year after new gTLDs are launched for the purpose of evaluating the consumer trust, consumer choice and competition.

So this is somewhat different for us in the sense that I guess if we were in the GAC, the GAC is often asked for advice. But for the three of us in the ALAC, the ccNSO and the GNSO I guess is somewhat unique in that we're being asked for advice.

And so therefore it doesn't have to fit into the PDP process or an issues report process. It's really just - it's really just advice. And that's why it has to pass through the endorsing bodies of the ccNSO Council, the GNSO Council and the ALAC. Thank you.

Rosemary Sinclair: Okay. So from your point of view - well if we take GNSO as a model, what we've done in GNSO is we've got this particular topic as a pending project. And every time we have a GNSO Council meeting I update people on where we are.

So I guess from that point of view our process is under way. And we could when we get our advice document being I think goes back to GNSO for a discussion about whether the Council as a whole agrees with that advice and is happy for that to go back to the Board as the GNSO advice.

So I'm still grappling with this question of whether others think we need to go through a more formal and in that sense I guess more usual chartering process or whether because we've got a Board resolution asking for advice on a matter that is in the affirmation of commitment and therefore Board governance issue I guess whether we can proceed to the issues report advising our entities, so.

So are there other views on what we need to do next in terms of just proceeding with the work or going back to our organizations for a charter?

Cheryl Langdon-Orr: Are we going down the list Rosemary?

Rosemary Sinclair: I can't see the list Cheryl in terms of hands up queue.

Cheryl Langdon-Orr: Who's next on the queue whoever can see?

Rosemary Sinclair: I can't - yeah. I can't see any hands in my queue. So who - can somebody see the queue?

Woman: I can't see any hands either.

Woman: I see no hands.

Cheryl Langdon-Orr: Well now I'm in the room. I'll put my hand up. Shall I?

Rosemary Sinclair: Thank you Cheryl. Yes. You're next.

Cheryl Langdon-Orr: Yes. It's I didn't think Rosemary you couldn't see the queue was going to be the only keeper of that information.

Rosemary Sinclair: Yes. Sorry. Okay. Cheryl.

Cheryl Langdon-Orr: Thank you. There's (unintelligible) committee gives advice to the Board all the time. This is something we're terribly committed with and more allied to GAC excepting we work (professionally) and the GAC tends not to. So we're very comfortable with giving advice.

If I may speak on behalf of those who've been in discussions within the At Large community on this issue is the somewhat (forming) a issue of whether these things are done in any form of coordination jointly or separately.

Because for example, if we were to have the wide participation in a duly charted GNSO workgroup, we would traditionally and in this case certainly want to follow our practice of trying to get multi regional and community representative in from the edges which is a vastly different thing from creating advice.

It's (almost same as) in ALAC which may or may not go through different types of mechanisms ranging from putting up a Wiki page and say come and play through (unintelligible) far more familiar and similar to a piece of policy development that the GNSO world would be more used to. In other words, we would make our own workgroup, et cetera, et cetera.

So I just want to be really (free) that at the outset we try and get some level of macro coordination so at least the component parts, the ACs and the SOs who've been specifically and (unintelligible) asked to contribute to this advice may do minimum amount of non-peer exhaustion and maximum (unintelligible) as well and maximum amount of intelligible and useful input in as timely a way as possible.

That said, and I'm sure we can do it, but as Rosemary just outlined, GNSO is puttering along (unintelligible) mechanisms that they are very comfortable with. It could be (unintelligible) foreign to the GAC world. And I know there's been frustrations getting GAC involvement before.

At least the At Large community who I would trust the influencing the ALAC which is - please, try to think of the ALAC like a Council. And the At Large community, the region in your constituencies and the At Large (community) being those members of the constituencies, that might help the mindset I think, would be able to, you know, make their contributions.

But if we're all tripping over each other, I mean we need to know early...

Rosemary Sinclair: Yeah.

Cheryl Langdon-Orr: ...suggesting which way we go. But I am suggesting that there might be benefits in choices we're about to make. Thank you. I'll be (unintelligible).

Rosemary Sinclair: Thanks Cheryl. Does anyone else want to contribute to this? I'm still I guess stumbling but at the moment I think we've got GNSO and ALAC (preferring) thinking that an appropriate process is for this group to get going with the discussion on the topics and going through a process of advising.

And I'm just for the minute going to concentrate on GNSO and ALAC after each discussion or whenever we report back to our - (to make even) organization advising of progress. And at the end of that producing a document from this working group rather than - yes, sorry. Steve.

Margie Milam: Rosemary, it's Margie. I want to be in the queue when you have a chance.

Rosemary Sinclair: Oh thanks Margie. Hi. Okay Steve. I've got Steve, Olivier and then Margie in the queue. Yeah. Steve.

Steve DelBianco: Yeah. It would seem that if - for purposes of the ALAC, ccNSO and GNSO our charter - we would offer them a draft charter which is verbatim the Board resolution. But we'd have to tack onto that sort of a process recommendation.

The process recommendation could be that it would be an open working group, that it would have conference calls every two weeks and that at some point we have to determine our timing. But at some point we would produce a document. It may or may not have minority sections to it. And that documents would be then forwarded to the three ACSOs so that they can endorse.

So that would take the place of sort of our working charter. I guess we would have to - no, I'm sorry. I suppose we could offer that charter to the ccNSO, the ALAC and the GNSO and ask them to endorse that charter so that we would have a single charter for this joint working group.

That has the risk that the charters could splinter if they wanted to add more or detract from it. But it's hard to detract from a skeletal simple charter like that that is based almost entirely upon a Board resolution that was unanimously adopted.

In other words, we don't add to that resolution. We simply repeat the resolution and indicate a willingness for this volunteer group to get started on the documents that can be shared with the three ACSOs. Thank you.

Rosemary Sinclair: Okay. Thank you. Olivier.

Olivier Crepin-LeBlond: Thank you very much Rosemary. And I wanted to echo what Steve just said. I think we need - we definitely need a charter. And I wanted to echo also what Cheryl said earlier. We're not just 15 individuals or - on the ALAC. We are actually a wider group that that.

Cheryl Langdon-Orr: We are.

Olivier Crepin-LeBlond: And of course we're not - well, so we're 15 on the ALAC. We're not 15 individuals in At Large.

Cheryl Langdon-Orr: Yes.

Olivier Crepin-LeBlond: And on top of that we're not just - I don't know how many we are today on the call but it's not just us. But it's also...

Cheryl Langdon-Orr: No.

Olivier Crepin-LeBlond: ...a lot of people behind. So we definitely need a charter. I would say if the GNSO can come up with one, we'd be very happy to look at it. And certainly if we believe that any extensions need to be done to the charter, I hope that these suggestions would be taken positively by the GNSO. We

could just add a few more things. But I think it's pretty clear what the Board wants. So we'll take it from there. Thank you.

Rosemary Sinclair: Okay. Good. And Margie I think.

Margie Milam: Thank you Rosemary. I wanted to talk about the end product I guess and what it's called and wanted to echo what Liz had mentioned about probably steering away from using the word issue report. And I also wanted to suggest a format since it is a response to the Board request that the format of (unintelligible) could be simply a letter to the chairman, you know, responding to the resolution and then the body of the letter has the recommendations.

In other words, it doesn't have to be as formal as a traditional working group report because it is in (response) to the Board. And that approach was adopted in the past. For example, when the STI Group made recommendations based on the IRT work. That I think was in the form of a letter. So that's just my comment that, you know, it could be as simple as that.

I do agree with the comments that you probably have to go back to the chartering organizations to get their endorsements but you don't have to be so formal on the end product.

Steve DelBianco: Did the STI go back to the respective ACSOs?

Margie Milam: I believe in that case it did. I got to look at my notes but I think that's how it - it went back like I recall the GNSO Council actually approving the STI recommendations. And I believe the At Large did as well.

Rosemary Sinclair: Okay. So let me have a go at summarizing that. We're going to develop a charter based very much on the Board resolution. And take that back to the ACs and SOs for their endorsement. Then we're going to form a working

group to work on the definitions, the metrics and we've not mentioned but the third element with some sort of goal setting process.

So we will wind up with some document from that working group process. And that document would then and perhaps we need to be clear on this. That document would then go back to the ACs and SOs for endorsement. And then the last step is the letter.

And I guess we're back to the point of do we have a go - our working group have a go at drafting a letter for the ACs and SOs or do we leave that to each individual group once they've got our working group report? Or do we think about that a bit later?

Cheryl Langdon-Orr: I'd be thinking - Cheryl here. I'd be thinking about that a bit later Rosemary because...

Rosemary Sinclair: Yeah.

Cheryl Langdon-Orr: ...what concerns me is us getting the horse well and truly behind the cart otherwise.

Rosemary Sinclair: Right. Okay. All right. Well let's just list somewhere that at the right time we've got to have a discussion about that very last step of how our work gets back to the Board.

Now in terms of the charter, how about if I have a go at just taking that and I don't even know if I've got enough time to get that before the next GNSO Council meeting which is on the 21st of July. Is anybody able to quickly advise me about that?

Man: That's correct Rosemary. The 21st is right.

Rosemary Sinclair: Yes. In terms of taking a proposed charter back to Council, I guess it's not a motion is it? So I - well it would be a motion because we would want them to accept that. I'm just not sure where the timeline's up to. I think motions have got to be there eight days. I guess if I got my...

((Crosstalk))

Liz Gasster: I don't think it needs to be an official motion necessarily.

Rosemary Sinclair: Right.

Liz Gasster: I think (unintelligible) charter to them to review it. They may be able to just review it online also. Not hold up work.

Rosemary Sinclair: Okay.

((Crosstalk))

Liz Gasster: ...charter to be approved especially if it sticks, you know, closely to what the Board indicated, you can probably safely move ahead would in those, you know, by seeing if you can just, you know, add it to the other - any other business...

Rosemary Sinclair: Yeah.

((Crosstalk))

Liz Gasster: ...two days in advance.

Rosemary Sinclair: Okay. So if I - I'll undertake to do that for the GNSO meeting of the 21st of July. Cheryl in chat is suggesting that we think about other dates. Cheryl, do you just want to - and then I'll go back to Steve. He's got his hand up.

Cheryl Langdon-Orr: Thanks Rosemary. Cheryl for the record assuming we're doing one. I'm just thinking knowing when the ALAC would help, we've done on the fourth Tuesday of the month but we also need to be cognitive of the ccNSO meetings.

Rosemary Sinclair: Yes.

Cheryl Langdon-Orr: And this month ccNSO is I believe meeting on the 19th which would mean that's a little early compared to the current work plan if you're going to try and get something out for the GNSO Council meeting, which would fit by the way then for the next ALAC meeting perfectly well. So we'll be looking at the August ccNSO meeting and I'll check but I believe yes, that is August 9.

So those dates aren't all that spread apart. So the last possible date then would be August 9 and a little (unintelligible) would be able to get that on the - (Leslie)'s agenda I'm sure. But it would be...

Rosemary Sinclair: Okay.

Cheryl Langdon-Orr: ...direct with (Leslie) because (unintelligible) mechanism as I'm sure you GNSO liaison to the ccNSO will tell you it's they usually do a small draft committee and sub out the ownership to some group. So with those dates in mind, I'm not overly fearful that we will trip up as long as we don't slip beyond your GNSO meeting for this month. Thank you.

Rosemary Sinclair: Okay. Thank you. Steve.

Jonathan Zuck: Rosemary, this is...

Rosemary Sinclair: Yes.

Jonathan Zuck: This is Jonathan Zuck. And I'm happy to help - since the time is tight, I'm happy to help with the charter drafting if that would be helpful to you. I'll connect with you offline.

Rosemary Sinclair: Okay. Thanks Jonathan. Steve, you in the queue?

Steve DelBianco: Thanks Rosemary. With respect to the timing, again, we're talking about a charter that's largely the Board resolution verbatim. There's some tacked on process proposals as to the frequency of meetings, target dates and the end result as well as the process for having the ACs SOs approve the advice before it goes to the Board.

And that I believe will be what most of our ACSO officers will like the most. They'll like the fact that a self-formed working group is not endeavoring to write a letter back to the Board directly but to route its advice through the three respective groups that were requested by the Board.

And given that, it's a relatively lightweight doc and I think you and Jonathan could easily whip it up. But there's probably no rush to get it through the GNSO next Thursday the 21st given...

Rosemary Sinclair: Yeah.

Steve DelBianco: ...that the ccNSO is August the 9th and I didn't hear yet - maybe Cheryl can tell us when is the ALAC next meeting so that it could consider such a charter. Thank you.

Cheryl Langdon-Orr: If I could answer that, our next meeting for the ALAC is the 26th of this month.

Steve DelBianco: And when is your next meeting after that Cheryl?

Cheryl Langdon-Orr: It would be the fourth Tuesday of the following month which would be the 23rd of August. Now if we're slipping to the 23rd of August, that does start to make me feel a little more nervous.

Steve DelBianco: Well, we do have a little bit of a window here because again, applications will not even be accepted until January 2012.

Cheryl Langdon-Orr: (Sure).

Steve DelBianco: Right. Right. And I'm not saying that we don't do the work of starting to discuss definitions and metrics. We would want to proceed down that path. But we want the same charter to be shown to ccNSO, ALAC and GNSO and endeavoring to get this done between now and next Thursday could be a bit of a challenge. And there is a one week advance requirement for GNSO Council to look at resolutions. Right Rosemary?

Rosemary Sinclair: Eight days for resolutions. But I thought Liz was giving me an option that would fit this into another category and not require that eight-day window. Did I understand that right Liz or am I perhaps not?

Liz Gasster: I think the Council can give you, you know, provisional encouragement...

Rosemary Sinclair: Yeah.

Liz Gasster: ...to move forward on the work while the charter is...

Woman: Finalized.

Liz Gasster: ...finalized (unintelligible)...

Steve DelBianco: I would suggest Liz we don't even seek that but the Board has made its request. We don't need to get Councils and AC involved until we have a charter for them to literally vote on. And when we show that to them...

Liz Gasster: In this case the GNSO Council has already directed staff to, you know, be assigned to this and Rosemary to, you know, requested this...

((Crosstalk))

Liz Gasster: ...continue. So I really think the charter is just confirmed that the scope that the group works under is consistent with that they envisioned.

Steve DelBianco: Great. And so in thinking about that, I didn't want to suggest that we put in front of GNSO for next week a written charter because putting a written charter in front of them next week would mean it had to be in tomorrow to meet the eight day deadline and it would make it look at GNSO was sort of driving this bus. And we do want it to seem as if this is GNSO, ccNSO and ALAC working together.

Rosemary Sinclair: If I can just jump in there. I have been reaching out to ccNSO and of course we've got ALAC definitely in our bus, which is great. So and I've been keeping Stephane informed of that. So I don't think we've got (risk state) on this occasion.

We've got this work listed as a GNSO pending project and I update at every Council meeting. And there is an understanding for a range of different reasons that this is not just GNSO. There's great clarity on the fact that advice has been sought from ACs and SOs. So I think we're okay on there.

I'm actually prepared to have a go at putting a charter for - to the 21st of July GNSO meeting based on the Board resolution and a simple outline of our suggested process. So I'll be able to write that up today and shoot that round to everyone here in - on the call to just see what the feedback is.

And if we're okay, we're okay and if not, then I guess we've got a timely reminder that we need to do a bit more work before that charter goes to ALAC or ccNSO. But I'd have a go at it sooner rather than later.

Steve DelBianco: Go for it.

Rosemary Sinclair: Okay. And Wendy's now suggesting that we meet twice a week, so...

Steve DelBianco: I don't know.

Rosemary Sinclair: ...with a few (smarks) backwards and forwards which I do understand Wendy. Anyway, so I think we've - back to our agenda. I'm comfortable now that I know what our next steps are. So that ought to be of great comfort to all of you, so.

So I think we've done kind of next steps and we've done drafting formation actually of whether a charter is needed. I'm not sure that we've got anywhere near schedule for document preparation. Do we want to have a go at that or will we just leave that until we get under way? Olivier, you're in the queue.

Olivier Crepin-LeBlond: Thank you Rosemary. Olivier for the record. I was just going to say I think we've got consensus on which direction we're going to go with regards to the charter or a pretty broad idea of everyone looking forward to what we're going to get.

I just think that we probably shouldn't wait for it to be all voted on from all sides of the planet before we get some real work done. And I was going to suggest that we also start getting things organized with regards to Wikis and basically move on with the work.

I don't expect anyone at least on our side and I gather everyone else on the call here to send the object and want to do a complete u-turn on the direction

we're taking. I wonder if everything's okay with - everybody's okay with starting ASAP.

Rosemary Sinclair: Well I certainly am Olivier. I feel very much that way that we can continue certainly the discussion we started in Singapore where we were working on some definitions and measures. And since then Wendy has actually sent in a document to give us other perspectives.

So I agree we can get going on the discussion of the content now that we walked our way through this process issues. And I'm really hoping that it's the end of the discussion of the process issues and that we can just really dive into the content of what we all want to talk about.

Just in terms of setting up resources for us, Margie are you able to take Olivier's suggestion forward about establishing a Wiki space for us to work in?

Margie Milam: Yeah. That's great. I can certainly do that and I'll send a link around to the list once we've got it set up.

Rosemary Sinclair: Okie-doke. All right. Now I think we've got about ten minutes left on this call. So do we want to actually have a go at some of the content? And if people are happy with that, I was wondering whether I could ask Wendy to just take us through the definitions that she offered in the last couple of days. And can we pull those up in the Adobe Connect room? I guess - that's a question perhaps to Gisella. Have we got those Wendy definitions?

Man: Wendy, were these the ones you circulated on June 22?

Gisella Gruber-White: (Unintelligible).

Rosemary Sinclair: No. More recent. Sorry Wendy.

Wendy Seltzer: Slightly modified from the ones I sent on June.

Rosemary Sinclair: Yeah.

Wendy Seltzer: I can forward it to the list now although if not everyone is in front of email, perhaps I'll just read them very quickly.

I was suggesting that competition should be described by economic measures including number of supplier, market concentration, ease of entry and whether pricing is close to marginal cost.

I suggested that choice would be the ability of domain name registrants to select among diverse strings and to competing registries, define the products and services that meet their individual needs. Diversity might include jurisdiction, scripts and policies.

And trust is ability and consistency of domain name resolution such that unique identifiers work all the time and deliver consistent results when used is the definitions that's been circulating among policy group at the non-commercial users constituency and so far have agreement from a few people - from the few people who have commented.

Rosemary Sinclair: Okay. So I think if we circulate those definitions and then - thanks Cheryl - then perhaps at our next call we could go back with - we now got business constituency material and NCUC material just as two sets of guideposts, if you like.

And then I thought at the next meeting perhaps we could go back to the discussion in Singapore, which Margie has summarized for us in the list of questions under the three topics. And of course this work is just focusing on the definitions. We've then got to get to the metrics. I've got Steve in the queue.

Steve DelBianco: Hey, thanks. If there is time for substantive discussion, Wendy I wanted to acknowledge that the definitions for competition in choice sound fine to me. They're very close I think to what the BC had proposed.

With respect to trust, I would ask - so the only real difference between what I thought the BC threw up on the white board in Singapore what you've suggested is that in the definition of trust you left it to security and stability.

And the BC had suggested that since we are anticipating that new gTLD applicants some of them will propose that their TLD will be all about tightly controlling who the registrants are in an effort to serve a community and in some cases to potentially solve a trust problem they perceive in the event marketplace where .bank fits that bill.

And when you're supposing that you're going to serve a particular linguistic or other cultural community, the element of trust comes down to whether the registry operator is going to stick to their promise of truly limiting registrants to those who fit the criteria they promised to fulfill and whether they police the space the way they promised to.

And that becomes if Michael Salazar's still on the call, I mean that really becomes the contract compliance hook when it comes to trust in new gTLDs. I'm not saying that every new gTLD applicant has to propose - to limit who can register a domain name. And they don't have to propose that they're going to police the space. Some of them are completely public in which case this is not a relevant concept.

All that's relevant for a completely public new gTLD are things like what did you call them, security and stability. I'm all over that. But for any applicant who makes a statement and a promise about the nature of registrants they're going to permit I believe that trust in the ICANN mechanism will be measured as to whether that registry lives up to their promise and whether ICANN holds

the registry to its contract. And that's why I would seek an expanded definition for trust over what you just proposed. Thank you.

Rosemary Sinclair: Okay. Wendy.

Wendy Seltzer: Thanks. I think that this is part of where we disagree on the role of ICANN and the regulatory ecosystem. I would say that if someone makes a public promise that they are going to limit registrations in some way and fails to live up to that then a national regulator has a good claim against them for (unfair) and deceptive business practices.

But I would not want to put ICANN in the role of enforcer precisely because the contracts that ICANN signs all have the no third party beneficiary language in them which forbids a consumer from putting trust in that contract and then using enforcement mechanisms to assure reliance interests.

And so because ICANN sets itself up so as not to be a trust anchor for individuals in that setting, I think it wouldn't be right for ICANN to include that in its metrics.

Steve DelBianco: Wendy, if I could follow up. I'm very confused. I'm not an attorney but I had the impression that ICANN's regulatory mechanism is the contracts that it signs with contract parties and that compliance was all about holding the contract parties to their code of conduct and to their contract.

So isn't ICANN and actually the Board of ICANN who asked us for advice on these metrics - isn't it appropriate that ICANN's metrics include tight compliance for contract parties whose value proposition in the new gTLD plan includes promises made that affect trust that one can have in the registry?

Wendy Seltzer: I think we will need...

Jonathan Zuck: This is Jonathan. I think part of it is there's two separate questions here. I mean one is that there's a requirement that this new program in gender trust which is separate from trust being an explicit part of a contract or being a part of contract compliance.

Coming up with metrics determine whether or not the program increased or decreased consumer trust in the domain name system is completely independent of whether or not they were an enforceable part of a contract.

So they can be a part of the metrics for this exercise and have nothing to do with the individual contracts that are put in place but simply become a method of evaluating whether the selection criteria was what it needed to be and whether the program itself succeeded in the objectives that were set up when it began.

Rosemary Sinclair: Well as Cheryl says, this I think needs a lot more talking. But I've got to say it's rather more interesting to be discussing this than the process matters that we've happily dealt with.

I think we've got about three minutes to go. So if there are any last minute thoughts, I think our next steps are to get the Wiki established, get the materials that we've got up so far - put up the materials we've got so far and then probably between meetings just agree what our agenda for the next meeting should be.

And I supposed my own thoughts at the moment are that we continue on this topic of consumer trust given that competition and consumer choice don't seem to be so problematic.

Wendy, you've got your hand up in the queue.

Wendy Seltzer: I don't intend to.

Rosemary Sinclair: No. Okay. Right. So are there any last minute things that people would like to put forward at this stage? Okay. So I'm sorry to bring the discussion a halt just when we were really getting going with it. But let's - I mean that's where we'll start next time.

And I just wanted to let people know in response to an item in the chat earlier, I have actually been reaching out to GAC and ccNSO. I've not heard back yet but I will keep trying to do that ahead of our next meeting hoping that we've got some participation from those groups the next time around.

Okay. I think if everyone's happy, we'll leave this meeting here and reconvene in two weeks time.

Steve DelBianco: That's great. Thanks Rosemary.

Rosemary Sinclair: Thank you everybody.

END