

ICANN
Transcription ICANN Hyderabad
Prep time for meeting with GAC, ICANN Board, ccNSO
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James Bladel: So if we're ready in the back, we can get going on the next session. Okay, great. Green light. Thank you.

So for our next session, we'd like to - if we could ask for councilors to return to the table, and for the conversations around the room to wind down and folks find a seat, that'd be great. Thank you.

Okay, then moving to our prep session for our shared meetings with the GAC and the board -- thank you; thank you, Susan -- and the ccNSO - and thank you for enlarging that, so I don't feel quite so old.

So our first meeting is with the board. We had a couple of questions sent to us by the board staff specifically which were, what do we, the board, have to do to make the transition work? And what do we, the board, need to do to advance trust?

We responded with a couple of topic suggestions of our own, including making better use of our time at ICANN meetings in terms of scheduling, and providing more trilateral discussion between the board, GNSO and the GAC.

And I think a lot of this stemmed from some suggestions that were contributed by Donna. Donna, I don't know if you have anything to add to this, or if you'd like to elaborate on some of these topics before we dive in.

Donna Austin: Thanks, James. Donna Austin. So I think in terms of, you know, how do we make better use of our time here at the ICANN meetings, it's - the scheduling for this meeting was pretty bad. I think everybody would probably agree with that. There was not a great deal of transparency into it.

But what some of you probably don't know is that, you know, Glen and Marika and the team were actually still trying to finalize a time to actually meet with the board -- I don't know -- maybe up until ten days ago or something.

And in my mind that's just absolutely ridiculous, because I think it should be more or less there are certain sessions that should happen as a matter of course, and they should just be programmed into the schedule, and then the rest should be sorted - should be worked in among that. So that's part of my frustration with the scheduling.

I think certainly for Meeting A and C, I think there are sessions - like certainly the council session with the board, should be locked in as a matter of course. And then we can sort out, you know, the rest of the schedule after that. So I think there are certain sessions that we understand will need to happen, so let's just get that on the schedule, get it locked in, and then work out the rest of the stuff as we go along. So that's kind of the background to that one.

And the idea around the trilateral discussions between the board, GAC and GNSO, is that we really don't want to get into the position that we're in now with the IGOs and the Red Cross issue again.

And I think, you know, part of the frustration with the IGO issue is that the board was having discussions with the GAC. The board was having discussions with us -- not as often as the GAC. We were having discussions with the GAC. But the three of us never got in the one room together to understand, you know, what the issue is, the challenges we had with our respective processes, and potentially how we can move forward.

So I think - and it's kind of to the point that we - some discussion we had about the subsequent procedures forum, we know that there are hot topics for the GAC that are being discussed in subsequent procedures. So how do we find a mechanism to have that - make sure that we have a conversation with the GAC on those issues, and try to circumvent the possibility where we have GNSO recommendations going forward that conflict with GAC advice?

And I think if we can get time on the schedule, certainly for Meeting A and C, but I think also for B, it might be - it's directly related to policy. Let's try to have those trilateral discussions; have them in the open. You know, have an open mic so that people can get involved as well.

But I think we need more of that discussion. Otherwise we're just going to fall into these - we've got three PDPs that are under, you know, or four, really, if we count curative rights.

We have four PDPs that people are working really hard on at the moment, and I don't want that effort wasted because the GAC has a separate process with the board, and they will use that to bypass whatever we come up with. So that's my thinking on the trilateral discussions. Thanks, James.

James Bladel: Thanks, Donna. And just as a point of clarification, your concerns about the schedule, I just want to maybe elaborate a little bit on that. But Heather proposed a different approach for coming up with the GNSO schedule, and I thought it was a great idea, and I think it had broad support. And so we did that, or we made an effort to do that, and I think it worked fairly well juggling, you know, conflicts of course.

The problem that Donna's identified is when we took that GNSO schedule and then rolled it up into the larger community ICANN schedule, with all the other SOs and ACs and the board and the GAC and everything, and that's when things kind of fell apart.

So I'm saying this because if we go into a discussion with the board and the topic of scheduling comes up, and you - anyone in this room feels like something went wrong with the GNSO scheduling, that's probably not appropriate material to raise that to the board.

That's probably something that we need to solve within our own house as opposed to what we're talking about here, which is - and I can tell you that there was a huge misunderstanding or miscommunication about whether Constituency Day would be a single day, as it has been permanently, or whether it would be broken up into two days.

And apparently that message was communicated broadly except to the GNSO, because all seven of the chairs of the stakeholder groups and constituencies, and the three of us up here, had no idea that that was the way that was going.

And so when the schedule was put out there, of course our nice little puzzle piece of a GNSO schedule did not fit anymore into the broader meeting schedule. So it was a real mess. And if anything, the experience has taught me that we all just need to say thanks to Glen when we see her, because she's been doing this for years and acting as the gatekeeper and referee for

all these different scheduling things, and it's been a very eye-opening experience.

So the difference between setting up the GNSO schedule versus rolling the GNSO schedule up to the broader community schedule, it's that last piece, I think, that Donna's saying that we should discuss with the board.

We also have a topic here for IGO protection. If we're going to open this particular can of worms and everybody's going to take a bite with the board, I would like it if we are somewhat organized in our interventions, and we identify now who's going to raise these issues; what issues we're going to speak to; and specifically who will be responsible for each topic.

I think if it turns into - I'm trying to be candid here. If it turns into a free-for-all, we're probably not going to be heard as well as we could be if we have a more organized and concise message.

I think when it comes to the topic of the curative rights, I think Phil is - if you're willing and able, Phil, you have the - you're the closest to the material of the curative rights PDP, and can address that.

I think if we want to discuss the process, I'm happy to weigh in on that as well as - I think others have raised that as well. So and, Paul, I think you had some contributions, as well, in our previous discussion of this, if you want to speak to that.

But does anyone have a burning desire to raise any specific IGO/INGO issues with the board when we're in our joint session? Donna?

Donna Austin: Thanks, James. Donna Austin. Not that I have a burning desire, but I suspect that the conversation we have with the GAC might influence the conversation we have with the board. So we just need to keep that in mind, I think.

James Bladel: Yeah, Heather?

Heather Forrest: Thanks, James. Following up on what Donna just said, and indeed how you led the discussion off, James, I wonder if rather than reopen the can of worms, can we just turn this question on its head and say, given that we had this call on Friday, and that wasn't the board as a whole, what questions do they have for us?

Did we make - you know, did we answer sufficiently clearly in the context of that call? Did the information about that call make it back to them in time? And, you know, rather than go over this again, let's say, I think our message is weakening just because we keep saying the same thing over and over and over again; and albeit we're saying the right thing and we're all frustrated, I wonder if we just turn it to them and say what questions do they have.
Thanks.

James Bladel: Yeah, I think I like that idea. Just it's more forward-looking, and we position it in terms of what information are they missing in order to make a decision. And it continues to reinforce this idea that the ball is still in their court. I see some heads nodding, so I think Heather just volunteered. We can - yeah, we'll work that out. But I think that's an excellent approach. Yeah. Okay, Carlos?

Carlos Gutierrez: I don't...

James Bladel: Just a sec. Paul, is that an old hand or a new hand, because I jumped you if it's new? I apologize. Okay, all right. Thanks. No, I felt like I skipped you. Okay, Carlos.

Carlos Gutierrez: Thank you, James. I'm not volunteering to anything, but what worries me towards the end of the call which I just read afterwards, is this tendency to talk not about the subject, but to talk about deadlines or an artificial timeline,

in my view. We have to have something for the next meeting, independently - or Phil's argument we're doing the work and we are doing the process.

So that particular part of the call, if we don't get something for the IGOs for Copenhagen, then let's get something at least for the Red Cross. I think that's a very, very dangerous path. Thank you.

James Bladel: Okay, I'm trying to - what do we want to do relative to - do we want to raise this in the board?

Carlos Gutierrez: Yes, to avoid, at any price, in this kind of trilateral discussions, to negotiate schedules. I mean we're not negotiating schedules here. We're talking about a very important issue, where we have to respect the process of the PDPs and so on. I mean it was really haggling - got a feeling of haggling that I think is most inappropriate.

James Bladel: Okay, thank you. Anyone else have any thoughts relative to our discussion with the board? I think we have some fairly meaty stuff that we can raise with them. Michele?

Michele Neylon: Thanks. Michele for the record. Just, I suppose, one obvious thing is that there are several board members who are leaving as of this meeting. So I don't know whether it's tradition or not, but one could always thank them for their service. That wouldn't be a terrible idea. Plus...

James Bladel: That might get in the way of all of our complaints, but we'll try and squeeze it in.

Michele Neylon: Well if you won't do it, I will then. The several board members who are leaving, and the several board members who are - they've been in the process of onboarding for the last couple of meetings, but they will be seated formally at this meeting.

So I suppose for some of them, I suspect they're already very, very familiar with a lot of the issues and the entire ICANN circus. But I think for some of them, they're probably not. And it could be a baptism of fire. So maybe going a little bit gentler with them, rather than - would lead to a better engagement, rather than jumping down their throats. Thanks.

James Bladel: Okay, thanks, Michele. Any other thoughts on the board? Yes, Susan.

Susan Kawaguchi: I was just curious to how are we responding to their Question Number 2, to advance trust. I mean, have we discussed that? I may have missed something.

James Bladel: Yeah, I don't think we've answered it directly. I think that - I think Donna's proposal to be more transparent and have more trilateral discussions goes sort of obliquely to the same question of improving communication, improving trust, and improving relations between the board and the GAC and the GNSO. If there's something else that you have in mind...

Susan Kawaguchi: Well - and this is more of an issue for me. I haven't really discussed this with the BC, but it's always a challenge for BC members. I think it goes to transparency, and how the compliance team enforces the contract.

So compliance issues in general, I really - you know, in my day-to-day life, you know, at Facebook, you know, we utilize, you know, compliance actions frequently, not a huge amount. But what I see is, you know, the players that are here -- registrars and some registries -- that I do interact with, do a good job, and spend the resources and take the time, and have a responsible business.

But those registrars and some registries, new gTLD registries mainly, that do not show up at the meetings, do not have, you know, best practices and good business models, do not spend the resources, the money, the time, to ensure a safe Internet and domain name space.

And so therefore I really see that it puts all of the players here at a disadvantage, because you're spending money. If ICANN compliance would actually go through and make sure that those not-so-good players were brought up to speed and to the same standards, we'd all have a better situation going on.

So - sorry. So, you know, I mean that's something we don't have to go into that much detail with the board, but I think sort of reiterating to them again that the compliance team is not doing their job; in some experiences that, you know, they seem to be - either their hands are tied or their interpretation of the contract doesn't seem to make sense, and it allows a lot of fraud and, you know, harm to Internet users. So I think the board needs to be aware of it.

James Bladel: So but the specific request is more transparency and compliance actions? Okay. And is that something we should talk about with the board? Or we're meeting with GDD staff as well. Is compliance part of GDD staff anymore? I don't remember. Okay, so maybe it is the board.

Susan Kawaguchi: I just think the board really needs to understand that, too. And if we don't keep sort of harping on it, they may not.

James Bladel: So I'm not sure who came first, so I'll go with Donna and then Michele.
Donna?

Donna Austin: Thanks, James. Donna Austin. I just wanted to mention that we don't have a separate meeting with Goran, but he will be present at the meeting with the board.

And recognizing we had some changeover in board members, I think the new CEO seems to have a different approach to Fadi. So we probably need to understand, you know, the potential impact of that on the board and ICANN, the organization, how it does its job.

So from what I understand, it's a very different approach than Fadi had. And from a conversation we had with GDD staff yesterday, it would appear that Goran would like to see the board more engaged in solving problems. So I'm not sure how that plays out in reality, but that's what we heard yesterday from GDD staff. So...

James Bladel: Michele, go ahead.

Michele Neylon: All right, thanks, James. Michele for the record. Just picking up on Susan's points, I do tend to agree with her on many of them because, you know, as a small registrar, I do get quite frustrated that I end up taking punches for much larger companies that don't even bother turning up. So I get that.

But I'm not sure, however, whether - I think a multi-pronged approach to this is probably more constructive. The entire thing around transparency with compliance, it's something that we at the registrar stakeholder group discussed with the IPC yesterday.

And I think there is somewhere where you can kind of get to a happier medium that people are - that you're not getting a kind of resolved kind of response. But at the same time we're - as contracted parties, we're still able to engage.

But the more important thing around participation, I'm not sure if that's an issue that the board can address. Maybe making them aware of it, yes. But I think the participation thing is something that - I mean ICANN has an entire engagement team, stakeholder engagement team, who are spread across the different parts of the globe.

There's a business engagement team, and then there's the GDD staff. So, I mean, maybe that's something to raise with GDD as well -- I mean that engagement aspect, more as a kind of if we can get these people in the

room, this will be better for everybody, rather than trying to go down the compliance needs to do more, let's hit them over the head-type role. Thanks.

James Bladel: Thanks, Michele. And before we go down this area here, I think we should make sure we're specific to what we want to raise with the board, and what we want the board to take away. I think the more concise we can be on that, the more likely we're going to see some sort of favorable response from them.

But I want to point out that Jonathan is now here, Jonathan Zuck. And if we can maybe press him into service here on this topic, maybe we can get an abbreviated update on the CCT activities, and then we can resume our prep with the other meetings.

And then that will eat into our discussion of the motions a little bit. I think we've already discussed one motion fairly extensively, but we have several others. So, Jonathan, can we put you on the spot here and shift gears and go to the CCT? And then we'll circle back to the board, GAC and GSNO prep here as soon as we're done.

But thanks, Jonathan, and sorry for the mix-up earlier. Well, you know, we're in a 30-minute time zone, so as soon as somebody can explain to me how that works, you know, I'll take full responsibility for it. But Jonathan is on the competition, consumer choice and consumer trust review team, which was commissioned, I think, earlier this year.

Jonathan Zuck: That's right.

James Bladel: Go ahead.

Jonathan Zuck: Thanks, James. My name is Jonathan Zuck, and I'm the chair of the CCT review, which is one of the affirmation commitment mandated reviews. And this is our first time doing it, so it's been an interesting experience.

Our mandate is to look at the extent to which the new gTLD program has enhanced competition, consumer choice and consumer trust. We're also looking at the effectiveness of safeguards, and the effectiveness of the application and evaluation process. So that's been our general mandate.

Next slide, I guess, if somebody's on the slides. Thank you. Review team members from all over the place. Next slide, since I'm doing the abbreviated version.

We're trying very hard to make this a very fact-based review, so there are a number of studies that were commissioned not even by us, but initially by the implementation advisory group that looked into creating some data to be prepared for the review team. And so I certainly encourage people to go out and look at those.

The shorthand URL for our wiki is C-C-T dot wiki, so you don't need the long-form version of it. You can go to cct.wiki and see all that we're doing, and look at all of these. There's been two sets of consumer surveys, a before and after; two sets of registrant surveys, so before and after; and two economic studies, a before and after. And the Phase 2 economic study is, in fact, out for public comment as we speak.

A most recently completed study by AM Global had to do with looking at cohorts to the applicant pool in the global south, that essentially asked the question of the people who didn't apply, why didn't they apply?

It's kind of an interesting exercise of proving a negative, but looking for similar entities to the ones that did apply in the global north, finding those same types of entities in the global south, and interviewing them. And so there's some interesting results, and that study's just completed recently as well.

In progress is a survey of applicants to see what the process of application was like. A DNS abuse study is just about to go into the field, and it's expected to have preliminary results in March and be finalized in June.

And then another sort of outside input we're looking for is a survey from - that INTA is going to do of its members to look at some of the costs that the trademark owners have had, given that their strategies for defense go beyond defensive registrations at this point -- there's blocking, (CRS), et cetera -- and so trying to get a global picture of that.

There's a session tomorrow at 3:15, which is to look at - that Nielsen, the analysis group, and AM Global will be presenting those research results. So that's worth attending.

All right, next slide. So competition, choice and trust, this is an animated GIF that isn't animating. But he's shrugging, so go on to the next slide. So just picture that in your mind.

It's been a very interesting experience for a number of reasons. Probably the biggest is that it's very early innings as far as understanding what the real impact of the new gTLD program is on the marketplace, right? The year we're looking at is the year during which all these TLDs have been delegated. And so there's - you know, there's limited conclusions that we can draw.

Another thing that has been a little bit of a frustration is the availability of data. And, you know, getting data on actual pricing, both retail and wholesale pricing, has been difficult; and the data - granular enough data out of compliance has been difficult, et cetera.

So I think a large part of our recommendations coming out of the CCT will be non-substantive, in that it won't be in order to have better competition you need X; it will instead be, you know, improving ICANN's role as a repository for data ongoing, as these types of reviews are taking place.

So as far as competition and choice, though, there are some interesting trends that are worth looking at. There's a lot of choice. We - perhaps not high demand for these new gTLDs or for gTLDs generally. It's about a 23% growth rate since 2013. So no matter how good it was, it wasn't going to completely turn the market upside down, right?

But we are seeing, for example, that half of the registrations in that time have been in the new gTLDs. And so that's kind of an exciting statistic. And if you include ccTLDs, it's about a third of them are new gTLDs. Divide equally -- about a third, a third, a third between legacy ccTLDs and new gTLDs. So that's an interesting data point or factoid, if you will.

And that's resulted in about a 9% market share to new TLDs, new gTLDs. And that's one of those things that an economist looks at and says it's a modest change. But if we look at it in the context of 30 years of registrations versus one year of registrations, one might suggest that 9% is a fairly significant level of penetration.

So there are some positive indicators in terms of the competition that's been created. And there's some interesting issues around choice. For example, you know, I bought big shots dot photography, even though big shots photography dot com was available. And it turns out that that's true of 92% of the sales that have been made inside of the new gTLDs.

So even though those new gTLDs are priced higher on the whole than legacy TLDs, a number of people are making the option to register them rather than the concatenated version of them in the legacy domains. And so I think that's an interesting indication of choice as much as competition.

One of the things that is sort of an elephant in the room that we're having difficulty getting our arms around is the level of parking. If you look to nTLD

stats, they're reporting that something like 65% of all new gTLD registrations are parked.

And so what does that mean? And what is the definition of parking? And what are the sort of segmentations we need to look at? Because parked doesn't necessarily mean bad, right? And so how do we interpret that? It's a big enough number we have to look at it, but we don't know necessarily what to do with that number. And so we're continuing to look at that.

There's some interesting things about - we had difficulty coming up with a specific definition for the market.

And so when you look at our report, you'll see that we looked at a number of different market definitions, and do analysis sometimes including ccTLDs, sometimes not including them; making a division between what we might call open ccTLDs that are behaving like gTLDs, versus restricted ones where maybe a regional analysis is more instructive. You know, dot DE in Germany is more of a head-to-head competitor with legacy TLDs than it is in - you know, worldwide, for example.

So that's competition and choice. So the overall is that, you know, things are sort of trending the right direction. There's been an improvement in competition. There's been an improvement in choice. There's been a decrease in what economists call concentration of registration providers, and so those are all sort of positive indicators. It's not dramatic, but it seems to be heading in the right direction.

Next slide, please. Back a slide. Yeah, same sort of thing on trust and safeguards. You know, we did a survey of end users. Nielsen did two sets of surveys. And again, survey data is very interesting and difficult to interpret. But at the very least, we can see that the new gTLD program hasn't created a real erosion of public trust, right?

Trust is a tough thing to measure, so part of what we've also looked at are what mechanisms have been put in place to increase the trustworthiness of the DNS, right? What are the objective measures we can look at? And we kind of looked at, were most of the safeguards implemented? Were they specified in a way that they're enforceable?

And in most cases, that appears to be the case as well. I mean we can get into the details, and we will in the longer form version of our report. But on the whole, the safeguards have mostly been implemented, and implemented in a way that's enforceable by ICANN's compliance.

And so it's a little too soon to measure their effectiveness, but we see the potential is there because of the way they were specified and how they were implemented.

There's relevant customer preferences for the future. They're intrigued by the notion of a taxonomy on the Web. They like these high level, top level domains of words that they recognize, so familiarity seems to breed trust. There's a notion that they like the idea of restricted access, and they would love to see enforcement of that. And so there's an opportunity for the new gTLD program to enhance consumer trust based on their preferences.

As I said, there's a DNS abuse study coming, and you should probably tell me how quickly you want me to be going through here, so I feel like I'm talking like I did in high school debate. So DNS abuse study coming. So some of the downside costs size of the program have yet to be evaluated by us.

The DNS abuse study is coming and the INTA survey, that are going to give sort of the negative side of this. But on the positive side, most of it's been relatively positive.

Next slide. Biggest recommendation, I already said about that, is going to be about data, and really engaging - ICANN engaging a data scientist and really becoming more of a steward of data about the DNS and about the gTLD marketplace. And so I think that's going to be a very big part of our recommendation to the board.

Next slide. In the application evaluation process, as I said, two surveys were relevant -- the one from AM Global that was about the sort of, you know, applicants who didn't apply, the potential applicants; and then there's this survey from Nielsen of the applicants themselves.

Less than half said they received sufficient guidance from ICANN, although 64% said that they would do it again, even under the same process. Fifty-four percent said that rounds were an okay way to handle things. You know, that's a fairly controversial issue.

Applicants on the whole are not going to be very satisfied. There was only 1 in 45 that responded to the study that said they were very satisfied. I'd be very interested to meet that particular applicant that said that, because I've never heard anybody in the ICANN community say they were very satisfied. So it's a dissatisfied bunch to begin with.

Of the 512 applicants, we've only reached 45 of them. So I also want to echo a plea that that application window - that window is still open for that survey. So if you know an applicant, friends with one, play poker with an applicant, get them to search their spam folder, et cetera, and please fill out this survey.

Because while 45 is enough for general use like satisfaction, if we want to parse the data further -- do cross-tabs on the global south, for example -- we have two from Brazil, and that's it representing the entire global south in that applicant survey. And so it limits our ability to make those assessments. So if you know of any applicants, get them to fill out the applicant survey.

Next slide. These are some of the additional insights. And again, this survey is not complete and so we'll publish that soon. But a lot of folks felt the process was frustrating, so we'll be making some recommendations that I think will be non-controversial about improving the application process.

Next slide. This is the survey that AM Global conducted. There was real issues with awareness. Most people didn't even know there was a new gTLD program. Those that did didn't have enough time to really develop out a business model, you know, within their business, to execute on it.

Most folks didn't really understand what the business model for a new gTLD was. Obviously that's an ailment suffered by the global north as well, but given the quarter of a million dollar price tag of sort of getting into the game, the bar was higher. The need to have a well-understood business model was necessary for folks to take that leap in the global south, and so we want to look for more informed sort of case study-based outreach, now that we have some of that information.

And there wasn't a sense of urgency, and a lot of bad information. A lot of people thought the program was even more expensive than it was. And so outreach is something that we need to do, I think, continuously, and start doing it now, and sort of so the market's better sort of prepped for any subsequent procedures.

James Bladel: Jonathan...

Jonathan Zuck: Yeah.

James Bladel: Is it possible we can pause here and see if we have any questions?

Jonathan Zuck: Yes, sure.

James Bladel: Because I want to make sure we have enough time for Q and A as well. So I see, Michele, you have your hand up and you want to ask a question. And then if we have some time, we can go through some more slides. But - okay. Michele, go ahead, please.

Michele Neylon: Thanks. Michele for the record. Good afternoon, Jonathan. How are you doing? A couple of quick ones. The DNS abuse study, who's conducting that?

Jonathan Zuck: That is being contracted by ICANN, and so I think that ICANN contracting staff is not yet ready to identify the vendor, though they've been selected.

Michele Neylon: I'm sorry. You specified who'd conducted the other ones. I was just curious to see. If that's the answer, that's fine.

Jonathan Zuck: And in all cases, we did not find out who was doing the study until after it was in the field, so...

Michele Neylon: Oh, okay.

Jonathan Zuck: ...because it all goes through the contracting process, right? So they've identified a contractor, but it's not been made public.

Michele Neylon: So just following on from that, because that's just kind of interesting, are they - are you - have been providing input into the kind of questions they're asking? Or how they're conducting the survey? Or is that really a case of, please do a survey, and then you get something back and you have to then try to kind of match that up to what you're doing already?

Jonathan Zuck: So the DNS abuse issue is going to be not a survey so much as it is an actual study. It's meant to be more quantitative in nature. But we did develop the RFP, and I'd be happy to share that with you and to get comments back. Because now that a vendor has been identified, we will be interacting with

them on how to proceed with the study. So please get in touch and I'll get you the RFP, and we can go from there.

Michele Neylon: Okay, thanks. On the parked domains, because that's a very interesting metric that I think we all are quite interested in, especially those of us who are actually - you know, are in the space, how are you deciding that a domain is considered to be parked? I mean are you doing that based on scanning the Web site (unintelligible)? Or are you doing it based on name servers or (A) records? Or, you know, how are you making that determination?

Jonathan Zuck: So we are using the nTLD stats to get that information. And they actually have a number of different categories of parked domains that are worth looking at, that may in fact be too expansive in its definition. But and so we are - and we also don't have information about legacy TLDs.

So we don't know if this level of parkedness is unique to the new gTLDs, or is comparable in the legacy. And so we're still trying to get that information. So I can get you their criteria, but it's nTLD stats that are producing that data.

Michele Neylon: Okay, thanks. And one last one, because we can do this backwards and forwards for ages. It's really better that we do it over a beer. In terms of getting in contact with the applicants, have you tried via ICANN stakeholder engagement teams? Like I know I was...

Jonathan Zuck: We have.

Michele Neylon: ...Daniel Fink said to me...

((Crosstalk))

Jonathan Zuck: We have. Just like we tried every mechanism we could to get registrars to share, you know, pricing data, every contact we had, and we got, in fact, zero reaction from registrars.

Michele Neylon: I can tell you why you got bad answers about the registrars. The questions you asked were not particularly helpful.

Jonathan Zuck: Well they would have been helpful to us. Maybe they weren't helpful to you, but...

Michele Neylon: No, no, as in helpful as in we couldn't answer them, because you were asking us to answer questions we don't keep track of.

Jonathan Zuck: Well we should have that conversation over a beer certainly, with plastic bottles. So any other questions that folks have?

James Bladel: I put myself in the queue, Jonathan. It's a question - more of a comment. The challenges of surveying non-applicants, can you maybe expand on how those folks were identified, and how they were determined, degree of similarity, to entities that did - because a lot of the entities that were applicants were fit for purpose, were created to be the applicant.

Jonathan Zuck: That's right.

James Bladel: So I don't understand how you can find an equivalent. You lost me on that one point.

Jonathan Zuck: And it was an imperfect process at best, I'm certain. But what AM Global did was look at the applications that did come in, and looked at the types of entities. And as you say, there were fit-for-purpose ones, and that was the most difficult thing to find a cohort for. But they looked at investor groups and things like that, that might have been the closest possible cohort to a donuts-like applicant or something like that.

But they also looked at professional associations. They looked at brands. They looked at other types of community organizations like sporting

organizations and things like that, that might have had similar types of interests in having a new string for themselves in order to ask those questions.

So wasn't perfect, it's not a huge number. I mean it's - we asked for 30 interviews and they got 37, but the best that we could do to try and have that kind of approving a negative survey.

James Bladel: I understand that's fairly challenging. That's like trying to measure all the tigers that didn't attack my, you know, my hotel room in India.

Jonathan Zuck: That's right.

James Bladel: Carlos?

Carlos Gutierrez: (Unintelligible), this is Carlos. (Unintelligible) question, James.

I think the most important result -- and it was very convincing. I mean a totally lack of understanding what the business model is around or on top or below domain names outside of the U.S. and Europe.

And this was very clear, and that allowed for very good discussions. I mean this is - and I wouldn't side an inside of business, but it's a very very specialized business. And with the expansion, I think not even the people that went into investing in the expansion has an idea how the market structure would develop (unintelligible).

And after a long process and getting all this information and having long discussions, I think we have reached a point where we are facing really, really serious discussions that probably nobody foresaw what was going to be the structure of this business after the expansion.

So there is a lot to do for the next review team because we have to finish our work. Isn't (unintelligible)?

James Bladel: Okay thank you Carlos. Any other questions for Jonathan? I hate to cut it short but I think that was information and - okay. We have a question from the floor.

Could you please state your name for the record?

Eleeza Agopian: This is Eleeza Agopian; I'm from ICANN Staff. I just wanted to do a little more shilling for the applicant survey.

I put this in the Chat, but I have links that I can email to you directly for those of you who may not have received an invitation to participate in the survey. And also have them printed out so if you see me in here or in the hallways, just let me know and I'm happy to share that with you. Thanks.

Jonathan Zuck: And she's also being modest. But at 3:15 tomorrow is a session where each of those researchers will be presenting their findings as well, and that's probably worth attending -- for more detail. Alright?

James Bladel: Thank you.

Jonathan Zuck: Thanks a lot for your time. Sorry about the confusion before.

James Bladel: Thank you, thank you Jonathan. I think it was very helpful. I'm glad we were able to work that out.

Okay so I probably forgot to do this when Jonathan arrived, but can we then stop the recording and let us know when we're ready to resume discussion of our prep this time for the GAC and for the ccNSO. And we're good, okay; fantastic.

So can we go back to our prep slides please, and then we'll get through these and then we'll talk about our motions and that should get us right up against our break because we relocate to the GAC room.

Okay so I think that's our discussion with the Board. Are there any other topics? I think, Susan, you had your hand up if you can remember -- when we switched to Jonathan. No? Okay, well if it comes back to you. Okay.

Let's move then to our agenda for the meeting with the GAC. Is that a scroll operation or a separate document? Perfect. Oh, going too far, there we go.

So there's the agenda; it's fairly straight forward. We have introductions, exchange of views on the Consultation Group -- which will be presented by Mason and (Minau).

We have a fairly sensitive PDP update, but I think that the goal here is to power through that and just to highlight those issues. I think it was something that's undercut a lot of our discussions during the PDP updates today is that we have the potential to setting up future IGO-like impasses between the Board and the GAC if we're not highlighting these issues now.

So I think that's the goal of this agenda item is to make sure they're aware that this other work is going on and what stage of the lifecycle that it's in. and then we can have an open discussion on IGO, INGO and Red Cross issues -- because we didn't get enough of that earlier -- and then we can move to AOB.

Does anyone have any specific thoughts on this and is everyone okay with, you know, the speakers and presenters that we've identified in this list? Okay. So that will probably be then our 90-minute session with the GAC.

And then the ccNSO meeting is actually tomorrow, and we developed this framework organization here -- or the framework agenda here. Introductions and then we have a discussion on some of the joint CCWG efforts.

And then we have a few items here that we've called Non-CCWG Hot Topics, so that's scheduling. And we can talk a little bit more about that. That's the issue that Donna raised in our discussions with the Board Preparation, and then implementation of new bylaws.

Does anyone have any - yes Heather. Go ahead.

Heather Forrest: Thanks James; Heather Forrest. I think he's on the fly here.

I wonder if the ccNSO might be an ally for us in our ongoing concerns about these tri-lateral discussions. I wonder - I mean I can't point to anything specific right now where the ccNSO is being pressured, but I wonder if we can't maybe align with the ccNSO in terms of our understandings of our mutual scopes under the bylaws and how that segues to GAC advice and so on and so forth.

At least maybe we might raise our concerns about that to the ccNSO and say, "One of the things that we're working on, you know, as an ongoing basis is how to better understand how we fit as the GNSO in this new environment and how we interact with the GAC," and so on and so forth.

Again, there's nothing burning on their plate, but it might not hurt to have a friend in that discussion.

James Bladel: Yes, thanks Heather. I mean the potential is there. They have a policy development process. They don't use it quite as frequently as we do, but I'm sure they would also like to preserve the integrity of that process.

Donna?

Donna Austin: Thanks Heather; Donna Austin. So the reality is that the CC's relationship with the governments is very different to us.

The governments are reluctant to get involved in ccTLD activities. I know there has been, you know, there's a long standing discussion over the framework of interpretation -- which was around redelegation of ccTLDs.

But the relationship is different. To the extent that we have an ally, I'm not 100% sure. But I guess it's worth asking the question but I think it's a significantly different relationship.

James Bladel: Okay, thank you. And just taking a look here at these items here, as you can see, Heather is flagged for Item 2B. Do we have anyone who would like to speak to 2C or 2D, or is that going to - yes, 2C or 2D.

Marika, you can go ahead and put my name next to those and I'll power through those.

Yes, go ahead.

Heather Forrest: Thanks, James; Heather Forrest. What strategically are we going to say in relation to Item C?

James Bladel: Thanks Heather. So I think the message with Item C, and you've seen the motion that's on the list. And the motion is that the GNSO declined from renewing the charter for the CCWG-IG.

This is not to say that the work of the CCWG-IG is not important; it is. Or that that group is not a critical component of the community; it is. I think the concern -- at least a shared concern that prompted that move to withdraw our support for the chartering organization -- is that a CCWG according to the new principals has a beginning and a middle and an end. And it works

towards producing some concrete recommendations that are then taking on by the SOs and ACs.

The CCWG on Internet Governance is more of an outward-looking, evangelizing, you know, group. It's important to stay on top of these issues, it's important to frame the community positions on it. But the CCWG is probably not the right vehicle for that work.

Yes, yes, go ahead.

Heather Forrest: Sorry James; Heather Forrest. I'm only interrupting to say I am well onboard with everything that you're saying, and I suppose it's helpful to, let's say, articulate that so that we're all on the same page.

I was more thinking how do we strategically approach this given that the last discussion we had with them was -- them being the ccNSO -- was to say, "Are you getting updates from the CCWG-IG? Are you?" And we found out that they were even less informed than we were.

So I wonder if our strategy here needs to be to explain why it is. You know, A, that we are taking this action or at least this is on the table; and B, why we're doing so. And I think to the extent that we directly reference that earlier discussion that we had, and I suppose it would have been in Helsinki.

We need to go back to the record and just check if that was Helsinki or Marrakech where we sat down with the ccNSO and said, "You know, here are our concerns, do you share these concerns?" And they all walked away nodding insidiously.

So it's the strategy more than the substance, James.

James Bladel: Okay, so I apologize. It was Marrakech. And I should mention to the Council that the motion that was put forward to our list was also shared with the ccNSO leadership.

And the specific question was - the response was, "Thanks for making us aware that this was something you were discussing in Hyderabad. Can you explain why?" So I think we're ready to go on that one.

I see there's a queue forming here. Wolf Ulrich, you wanted to jump in on this? Go ahead.

Wolf-Ulrich Knoben: Yes, thank you James; Wolf-Ulrich speaking.

Well, my question is because when I saw this topic -- CCWG on Internet Governance -- so I was wondering whether it's about a motion or not.

If it is, I would say because we have at least some questions coming up within our constituency yesterday or even concerns with that motion. So I would say before we are going to discuss that with the ccNSO as well we should have a discussion within our group. So rather than to go forward right now and then within that motion, and it's going to bind us a little bit. So that is my concern here is that topic. Thanks.

James Bladel: Thanks Wolf-Ulrich. We will have a chance to cover that later this afternoon and we meet with the ccNSO tomorrow, so we will have an opportunity to discuss the motion in advance of our meeting with the ccNSO. So if we can drive towards what you're saying -- having a unified position or some talking points -- we'll have an opportunity to do that.

And then auction proceeds, I don't know if there's anything particularly controversial with regard to the ccNSO except to make sure that they understand what's going on.

I have Marika first and then Keith.

Marika Konings: Yes this is Marika. Just a note that in response to the question of the drafting team on whether there were any pertinent issues, the ccNSO was actually the first one to respond that they were basically ready to adopt. And we actually then told them to wait.

They were already ready to adopt at, I think, the last meeting in the middle of November, but at that stage, the drafting team said, "Well, wait a second. Let's just first here back from others and see if there are any concerns." And we had the Webinar, but now, of course, the charter has been sent to all the groups for consideration. But just so you know, from the ccNSO perspective, they're likely still at.

As you may remember as well, they actually decided not to participate in the drafting team. But it seems that now they are willing and interested to join as a chartering organization for that effort.

James Bladel: Thanks Marika. Keith?

Keith Drasek: Okay, thanks James; Keith Drasek for the transcript. Yes, I'm just going to echo what Marika just said.

My understanding is that the ccNSO initially was sort of reluctant to get engaged or involved in the new gTLD auction proceeds, discussions and engagement, but have since come around to think or to recognize that maybe they do have some value to add to the conversations. Thanks.

James Bladel: Okay thanks Keith, thanks Marika. Rafik?

Rafik Dammak: Thanks James. This was about the CWG for Internet Governance -- the comment that I was going to make.

James Bladel: Okay, go ahead. Is it about our motion or is about with the ccNSO?

Rafik Dammak: I think it's about both.

James Bladel: Okay.

Rafik Dammak: So in the way that we -- I'm not speaking of the co-Chair for the cross-community working group on Internet Governance -- that we didn't get a chance to know about this motion beforehand, and we found out about it like two days ago.

And I don't think we get specifics from the Council about the concerns and what needs to be done to fix it; there is anything to resolve.

And just jumping in now to discuss with the ccNSO, I think it's quite premature if we don't have a clear discussion within the Council first.

I don't know what is the intention here -- why you want to raise this point with the ccNSO and what's the goal. Just if you want to ask if they are getting updates and so on, I think that's up to them and how they -- as a (unintelligible) organization -- how they handle the relation with the working group.

But at least, I think, for the GNSO, we need to discuss before. The motion can, really, as kind of from - we are discussing about the CWG since Marrakech, but speaking from the working group standpoint, we didn't get really the point what are the concerns from the GNSO Council. If it's about being aligning with the new CWG principal, yes, it's okay. I think we can work on that, we can amend the charter in such a way to do so.

I don't recall the GNSO we throwing from any working group before in such manner. And this is setting some precedent that we need to think about the intent and consequences in more deep manner.

James Bladel: Okay, thanks Rafik. And just a note that I know we've been discussing this for at least a number of months -- if not going back to Helsinki or earlier -- to point where I actually was receiving complaints that we were discussing it too much.

Rafik Dammak: Yes, but I think in terms of - the point is it's something expressing concerns and giving specific (unintelligible). It's sometimes about what kind of action you want to take, what you want to - because at the (unintelligible) one of the charter - I mean talking about GNSO here. One of the chartering organizations, you need to direct what you are asking of the working group exactly.

It was kind of - I mean to be honest, we didn't understand what we need to do. So you want to ask to amend the charter in the way that is aligning with CWG principals, so that's the point to give more specifics on what is needed to be done.

James Bladel: Okay thanks Rafik. Next - and again, we will have an opportunity to discuss this -- as a Council -- before we meet with the ccNSO tomorrow.

Any other discussions on the ccNSO sessions? Okay.