

**ICANN
Transcription
Review of all Rights Protection Mechanisms (RPMs) Sub Team for Data
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Coordinator: Excuse me, recordings have started.

Julie Bisland: Great thank you. All right, well good morning, good afternoon and good evening everyone. Welcome to the Review of All Rights Protection Mechanisms Sub Team for data call held on Friday the 2nd of February, 2018.

On the call today we have Kurt Pritz, Rebecca Tushnet, Antonietta Mangiacotti, Kathy Kleiman, Phil Corwin, Kristine Dorrain and Susan Payne. We do have apologies from Lori Schulman and J. Scott Evans. From staff we have Berry Cobb, Ariel Liang, Julie Hedlund and myself, Julie Bisland.

I would like to remind all to please state your name before speaking for transcription purposes and please keep your phones and microphones on mute when not speaking to avoid any background noise. And with this I will turn it back over to Julie Hedlund and also, Julie, we just had Michael Graham join. Thank you.

Julie Hedlund: Thank you very much, Julie Bisland. And welcome, everyone, and thanks for joining this Friday. So just to run through the agenda today, we'll give a short update on the RFP and then we'll commence with the discussion on Section 4, which is the Registrant section with Kurt Pritz leading that. And then we'll

talk about the timing of future meetings. And could anybody – if there's any other business that someone would like to raise, if you could please do that now we'd appreciate it.

Seeing no hands, let's go ahead and commence with the staff update on the RFP. Ariel, did you want to address that?

Ariel Liang: Yes, thanks Julie. This is Ariel from staff. So just want to let everybody know that we have launched the RFP the past Monday and I'm putting the link on the ICANN.org in the AC chat so you can see the timeline that's posted on the top. You know, the RFP publish date is Monday and then we have a period of time for participants to indicate their interest to submit proposals. That's 12th of February, that's the first deadline. So we have heard from a few vendors already about their interest and we're still waiting for more to indicate their interest.

And there's one thing I want to let everyone know that as communicated previously there's a period of time the responding vendors can ask questions to ICANN and then staff can provide answers and additional resources to help them with their preparation for the proposal.

And then the deadline for us to respond to questions is February 26. So with that timeline in mind, if the sub team wants to complete this data table and provide a updated version to the vendor we should meet that deadline so that means ideally we should complete this table by 19 February so it's about three weeks from now. So we have about three more meetings to finish this table and that's the staff recommendation for completion. So that's just a quick update on that and open to any questions or comments.

Julie Hedlund: Thanks very much, Ariel. This is Julie again from staff. Any questions or comments from anyone please? Not seeing any – oh there's a hand. Please Susan, go ahead.

Susan Payne: Sorry. Could – how many sections do we have left to do, does anyone know off the top of their heads? Do we just have registrants left to do or is there anything else? I'm just wondering how likely we are to manage that and whether we need to think about additional calls or something.

Julie Hedlund: So this is Julie Hedlund from staff. I'm just looking through the document here. As far as I can tell I believe we have the survey of domain name registrants, which is Section 4, then we also have the survey of potential registrants, although I do see there are comments in there but I – others can correct me if I'm wrong, but I do not think that we have gone through these comments. And the other section is Section 6 survey of public interest groups and trade associations to be identified by the working group.

Michael Graham, you have your hand up. Please go ahead.

Michael Graham: Yes, just real quick, and apologize for not getting them inserted. I had a couple of potential changes in the trademark owners and brand owners section, but I'll post those after this call. They're fairly minor, just clearing up a couple of the questions I thought so I can put those up for proposed changes and, you know, can discuss them either in a subsequent call if we're going to have another one or online. Thanks.

Julie Hedlund: Thank you very much, Michael. This is Julie Hedlund from staff. And, yes, I think we will have subsequent calls. I know we'll deal with this at the end as well. But I think we are anticipated, at least to have a couple more calls if we want to try to meet the 19 February deadline that staff has suggested for having a final table to be provided to the respondents to the RFP. So that would mean the 19th and the 16th would be two more potential calls to cover the rest of our sections.

Any other questions? Seeing none, then let me go ahead and turn things over to Kurt Pritz. And, Kurt, right now I have the document synced, if you'd like to

move it yourself I can make you a presenter, otherwise staff could move it or we can unsync it and everybody can just follow along on their own.

Kurt Pritz: Thanks very much, Julie. And first let me apologize for my voice. And if it's too annoying know I'll bow to the consensus of the community and boot me off the call. Just to have a point of order first, I printed it because I don't want to mess this up too bad, I printed out the PDF you sent earlier, Ariel sent earlier. Is it okay if I work off that and then this document people can – we can let it be scrollable so people can scroll through it. If I use the PDF document would that be an update to date source?

Julie Hedlund: Thank you, Kurt. This is Julie Hedlund from staff. Yes, that is the most up to date source. The Google Doc has been reopened for comment. It is – the link is in the chat room. But no changes have been made since it's been closed and so no changes have been made since the PDF was generated and sent around by Ariel. So if you want to use that and we've unsynced the PDF in the room, we can go with that. But I see that Kathy has her hand up. Please go ahead, Kathy.

Kathy Kleiman: This is Kathy. Just I think you just answered it, just trying to figure out which version we're using and whether the version up on the screen is the one that we're using so it sounds like it is. Thank you.

Julie Hedlund: Thank you, Kathy. And indeed it is. So we – this version is the latest and it also matches what is in the Google Doc and matches what you have, Kurt, so please go ahead and proceed and we'll leave this unsynced for everyone to move on their own. Thank you.

Kurt Pritz: Okay, I want to make a couple points at the outset. The first is that we're serving – we're surveying registrants here so the least sophisticated of our survey audience. And my experience with conducting surveys has taught me that in surveying this type of audience that we should aspire to keep the survey short so it's completed, and to the greatest extent possible stay away

from open ended questions and try to capture the information we need in a multiple choice question. And I've learned this is a really important feature for engendering people to participate in the survey.

So the extent we have an open ended question, I would hope we could maybe put these at the back and at the end of the survey so if the survey-ant bails on the survey we have multiple choice questions still up and then – I'll call on your in a second, Kathy, if that's still – if that's a new hand. And then – but I can't overemphasize the importance of what I just said.

And then my second point is I don't know if it's for this group or not but we want to consider how we get at registrants. And to me there's two ways, you know, one is engaged with a survey company that, you know, has you know, these huge survey panels open to them and survey them to capture the requisite amount of registrants that we need for the survey. And this sort of survey was – the questions I wrote were intended to target them. An alternative way to reach registrants might be through registrars to survey their customers.

That might be a little tricky but there's, you know, schemes we could use to reach out through registrars, you know, and providing registrars or their customers – their customers – sorry, my phone line – some incentive for participating. So at some stage we might want to talk about the direction we give to the survey companies or survey provider on how to reach registrants. So those are the two points I wanted to make at the outset. So I see Kathy's asking me if I feel better. And the answer is hell no, so I'm going to – I hope I'm not impolite to anyone on this call. Kathy, do you have a question?

Kathy Kleiman: Thanks, Kurt. First I'm sorry you're sick. I sounded just like you yesterday. And so everybody, Kurt and I were both at Names Con in Vegas so I think there's something going around there. So I hope you feel better.

Kurt Pritz: Yes, I was staying up until three o'clock in the morning.

Kathy Kleiman: That too, and the smoking in the casinos, bleh. So, Kurt, with your intro, I have some questions. First is – and let me just list them off and then you can. First is, are we – questions and then I'm going to share an experience we had with the first Whois review team. First is, you know, do you want us to come up with the multiple choice options? Is that something you want us to come up with fixed for the survey providers?

Second, it sounds like you do want us to tell them how to reach the registrants, question mark, or I guess give them some ideas of how they might. So let me pause and then I just wanted to share a quick story of the Whois review team because we did survey registrants as well. So, you know, how much detail are we, you know, are we doing this differently than we've done the other three sections of this template with more directions?

Kurt Pritz: Yes, this is Kurt. So to go backwards, yes, I think we are doing this differently than we are with the other surveyants because we're reaching a much less sophisticated audience, at least sophisticated in domain name industry, which is not necessarily an indication of sophistication. So I think we do need to tailor this differently.

In the original set of questions that I submitted back in October for this form, I think they were, you know, almost all with maybe one exception multiple choice questions so I'm going to – I try to get us back to that and then also to reiterate say well, if we do think an open ended question is necessary let's stick it at the end. And then third is...

((Crosstalk))

Kurt Pritz: You know, just to answer your last question, yes, I do think we might use our industry expertise to point the survey provider in the right way. And it depends on the survey provider that's selected too. It might – our discussion here might inform the selection of the survey provider? Are we looking for

someone who has access to, you know, many people from whom we get the requisite number of registrants to get us statistically significant sample? Or are we looking for an industry insider that can work with registrars to get at that? So it might not only inform our direction to the survey provider, it might inform the selection of the survey provider. Go ahead, Kathy.

Kathy Kleiman: Okay. Cool. Thanks. I'm not sure registrants have to go down to multiple choice. We were dealing with a whole bunch of savvy registrants over this week at Name Con. You know, I just want to share – I'm not sure that if we're approaching trademark owners and kind of a certain way I think we should be approaching domain name registrants in a certain way and not assuming they can't answer the questions. We have both data driven questions and anecdotal questions.

And we do need a lot of information from registrants as well as trademark owners as well as registrars as well as registrants. So I'm not – I think many registrants will be able to give us information and we really do need to know why they're turning back at trademark claims and other things. There's a lot of good stuff. And with the Whois review team, we actually wanted to know what they knew about the Whois.

And we had survey providers, one survey provider with locations all over the world and I think there were four, five six, I don't quite remember, it was a number of years ago, where they reached out in different languages in different groups to communities that, you know, they gathered registrants and worked them through a series of fairly sophisticated questions on Whois and also working with the computer and finding Whois and looking at it if they didn't know and what they thought of it and all sorts of things. And it worked out brilliantly. It gave us really important insights that we'd never gotten before.

So I'd like to not reject anything that's not multiple choice because I think we can get a lot of good anecdotal information from registrants. I don't think we have to treat them differently than trademark owners. Thanks.

Kurt Pritz:

All right. Thanks, Kathy. I think let's start going through the questions and answer that along the way. My only comment is that at Names Con you're dealing with a really sophisticated registrant, right, that understands ICANN policies, that is already knowledgeable about trademark claims, can brush aside warning notices, he or she has been around the block, right. And I think we also want to – or even more importantly want to reach the unsophisticated registrant and see if they were, you know, stopped in their tracks by a trademark claims notice or, you know, or were able to engage that correctly.

And I, you know, my experience tells me too, you know, doing surveys of potential registrants in many different countries that, you know, it's important to be a bit simple. But having said that, let's embark on this so we can have our arguments around real examples and not affirm all things.

So I don't know if we want to quickly review the charter questions. You know, Susan did a really good job when she did her questions of reading each charter question and then tying the data and anecdotal questions to them. And in this case, you know, I view this more generally that we can either take a couple minutes to review all the charter questions and then look at the questions.

But, you know, to me the charter questions all kind of point to the sorts of things that Kathy was just talking about that, you know, where the trademark – did the trademark claims have any unintended circumstances? Did the registrants find them incomprehensible or intimidating or, you know, did it impede their registration of a domain name in any way or did it enhance their, you know, experience in any way or their understanding of the DNS?

I'm for, you know, I'm for, you know, maybe for those of you that haven't read these charter questions in a long time, you know, let me take 60 seconds of silence so you can scan through them and then, you know, re-armed with that knowledge or reacquainted with that knowledge when we go through the questions you can say gosh, you're not – we're not answering this question at all or this question doesn't answer any of the charter questions. So if you don't mind, and if you think that's a good idea, let's do that. Ready, go.

Is that good, everybody? So is it all right with everyone if I proceed? I'll just take five more seconds and see if anybody wants me to pause for a second or if someone has a comment. Okay, cool.

So you see at the beginning assuming we're reaching out to the general public and we might tailor the introduction if we're not, you know, I just wrote a brief survey introduction that would be augmented in some way slightly by the survey provider to be a little more complete. But then again, brevity is important.

And then, you know, what I found is it's important to – for a set of questions are, you know, qualifying questions to see if you're a likely, you know, a likely survey answerer. So it's not here in this document anymore but my very first question was, "Have you ever registered a domain name?" So I can see why maybe somebody deleted that and went onto the second and registered a new domain name. But I thought I'd start with an easy question. And if the answer is "no" terminate the survey, and if the...

Kathy Kleiman: Now...

Kurt Pritz: ...answer is "yes" continue on. Go ahead, Kathy.

Kathy Kleiman: Yes, I deleted it because you could have people who have been – tried to register a number of domain names and been turned back by the trademark claims notices. And you're missing them. So they were almost domain name

registrants and so it wouldn't – I wouldn't terminate the survey there because we're going to lose – they're not really potential registrants, these are people are ready to be registrants and they got turned back. And we – the rest of the questions really tap into their expertise and their knowledge.

Kurt Pritz: Kathy, that's...

((Crosstalk))

Kurt Pritz: ...so this is Kurt. That sounds like a fine line distinction between a potential registrant and somebody who...

((Crosstalk))

Kathy Kleiman: ...that's for registrants the rest of the world but potential registrants.

Kurt Pritz: Yes.

Kathy Kleiman: But, you know, if these people, you know, if you have somebody who hit 10 trademark claims notices and turned back 10 times they belong in this section I think.

Kurt Pritz: Okay.

Kathy Kleiman: Not under the general world.

Kurt Pritz: Yes, so I can – so I get your point that if they were turned back that – anyway I had determined to leave that in the potential registrant section and have a very similar set of questions, so that's why I did it that way assuming it would get picked up in the potential registrant section. Susan.

Susan Payne: Hi. Yes, thank you. Well I thought it was the potential registrant section. I suppose maybe I've misunderstood what that is aimed at because it seems

like the potential registrant section is asking questions about, you know, who abandoned and why. Honestly I'm not – I don't feel very strongly as long as we were all clear on where someone goes. But we don't want to count people twice, the same people if you know what I mean, so they are either counted as a registrant in that situation or they're a potential registrant, they're not both.

And my thinking was that however we kind of craft the cutoff, this is essentially a gating question, isn't it? And so theoretically we might need this question at all if this is used for finding the surveyants in the first place. But it's certainly we need to do something to ensure we find the right surveyants.

Kurt Pritz: So thank you, Susan. So maybe Kathy, the answer to this is if the answer to this question is so there's really only one survey of domain name registrants and potential registrants and you answer yes to this question you keep going and if you answer no to this question, you know, you get shuffled off to the survey of potential domain name registrants land. Michael.

Michael Graham: Yes, Michael Graham. Kurt, I think what you just said what exactly what I was thinking. I mean, it is a gateway question and it's going to send you to a yes or a no course. And I think inserting that question – your initial question here since we're trying to message to the survey company what information we're looking for, I think they're going to need that, you know, unless they're – and I wouldn't leave this to them – unless they were going to be the initial screener and only send this portion of the survey to those who were actual registrants.

And I think it probably is useful to have both possibilities included together. So I like having that as an initial question but I think the answer to it then or the comments that we might make would be if they answer "yes they proceed under these registrant inquiries, if they answer "no" then they answer – we still feed them but we feed them now the potential registrant questions. I think that's a way to go. But I do think that we need to have that question in here

since we're sharing this with the potential contractors so that they're clear on what we're getting at and that these two flow from each other. Thanks.

Kurt Pritz: Thanks, Michael. Rebecca.

Rebecca Tushnet: Hi. Rebecca Tushnet. So I think similarly although I guess I would say – I would actually put this in a note to the surveyor. So we're interested in three populations, those who have registered in the new gTLDs, those who have tried but failed for whatever reason, and those who would consider it. So I think that's our potential group.

So I think we could just introduce this saying, you know, we – we're interested in these three groups and the questions will change depending on which group the original sorting puts you. And I think let the surveyor take it from there.

Kurt Pritz: Yes, I think that's really good input, Rebecca, thank you. Cyntia, I saw your comment and so I appreciate that comment too. As far as "If not why?" gosh, that's – so I think two things there. One is if not, why – if we're asking the general population they're going to say what the heck is a domain name?

And second, I don't know if the why question at this early stage is germane to our investigation so I don't know if I want to slow down the answer with that and maybe you could respond to that. I think you know, we want to get to if they haven't a registered a domain name because of this gosh darn trademark claims notice then we want to know that. But we don't – we're not at the point of a domain name survey where they say well, I'm on Instagram and that's my Internet presence and blah, blah, blah. So I don't know if you have a comeback for that, Cyntia, or a response?

So I think that – I think that captured that – what the group is saying, you know, but the question back in and then have that fork in the road so we – if the answer to the question is "no" then it's like Rebecca said, you know, we

ask a follow up question and that, you know, I think will be essentially combining the registrant – the potential registrant survey in some way for economy's sake when we actually do the survey. So I think we'll get at all the information we need. And I think that's all right.

All right so thanks. Thanks. So now we have to kind of get to work. So then the – so I'm going – I'm on the list of data questions and I'm putting on Donna's reading glasses so I can see. So then I asked the next layer down in the survey which is, "Have you registered a new TLD?" because obviously because they're the only ones that have seen a trademark claims notice. And as I'm saying this I realize that that might not be the case that somebody might have registered a name in, you know, one of the earlier rounds in 2000 or 2003 and they might have seen a trademark claims notice, but I don't know, you know, those were all operated in slightly different ways so I don't know if we want to capture that.

So I would still stick with this question that asks if they registered a name in new TLD in order to – so we're all talking to people that have all seen the same kind of trademark claims notice. Hi, Kristine. You're next.

Kristine Dorrain: Hi. This is Kristine. And I am actually going to withdraw my hand because I think we've moved on. I was going to sort of quibble about this idea of having a fork in the road or groups that I think we've decided the survey provider is going to kind of set it up so I think I'm going to just drag in a quagmire if I wanted to (scrub) up that more, so I'm going to withdraw. Thank you.

Kurt Pritz: No, I always want to hear what you have to say but I'm happy with going ahead. And, Kathy, you took your hand down too. Are you okay?

Kathy Kleiman: Yes, I think I'm good. I'm trying to read the notes and follow everything. So we're going to delete the "if no, terminate survey" to "if no, go to a different part of the survey" is my understanding.

Kurt Pritz: Right.

Kathy Kleiman: Terrific. Thanks. Back to you.

Kurt Pritz: Okay, then the next question isn't mine. And I don't know if I want to talk about this question now or maybe beg to defer it. But, "Have you received any kind of objection to your choice of a domain name? If so," you know, the way I didn't phrase my question that way, I phrased it a different way to a similar question I have later in the survey now is, you know, this seems just like too vague to me. You know, the next higher up way to ask it might be, "Have you received a formal objection?" But, you know, objection from who, you know, it could be anybody from Aunt Tilly that doesn't want you organizing that sort of Website to, you know, to competition in your industry to anything else.

So I'm concerned one is that that question won't garner the kind of information we really don't need because that's (unintelligible) and, two, if at an early stage of the game it, you know, is likely to turn off the respondent because, you know, it's vague and can be difficult to answer. And, you know, respondents are fragile and kind of throw up their hands. Rebecca.

Rebecca Tushnet: Hi, Rebecca Tushnet. So I guess I would say first that I want to make sure that we're leaving a lot of leeway to the survey provider. I think if we're getting into the, you know, I think it makes sense to ask them and precisely for the reasons that you gave at the beginning, they are – may not recognize, you know, Trademark Clearinghouse notice as something separate. So we may – to find the people we're interested in, we probably are going to have to ask questions that start with, you know, general questions and then if they say "yes" kind of drill down and try and figure out what it was that they got understanding that they may not know the formal name of it.

So, you know, if we – I guess I wouldn't spend a lot of time on the wording but I agree with you that, you know, respondents won't necessarily know all

the technical terms which is why we need to sort of start out easing them in. You know, and if they didn't, they didn't. Thank you.

Kurt Pritz: Thanks, Rebecca. Michael.

Michael Graham: Yes, I like Rebecca's comment. And without getting into specific wording which I think always is carried out best outside of this call, I think what we ought to do in connection with that is to somehow signal that the best way to ascertain whether they received an official trademark claims notice might be to ask the question and have it directed to a copy of the standard trademark claims notice that they would have received asking, "Is this the notice that you received?" or something similar. Just wanted to make that comment. Thanks.

Kurt Pritz: This is Kurt. So I see kind – I see kind of a gulf between what you said and Rebecca said. So if we scan down – if we decide to scan down and then come back to this question, you know, that's the way I put the question was, you know, "When you tried to register a name did you receive notice with this wording?" That's the specific wording in a trademark claims notice. And then, you know, gets into, you know, how did you react to that? So Rebecca, so I agree with you that we want to capture what we can about, you know, difficulties that people perceived in registering a domain, especially with respect to notices.

But I really don't want to start with the, you know, the kind of vague question of, "Did you receive an objection?" Because I don't know if – even I would know how to answer that question because objections can come from all, you know, all corners about all reasons. And I really want to know, you know, did you get this notice? And if you got this notice how did you react to it? And, you know, answer follow on questions that way.

And so, you know, I agree strongly with what Michael said. Susan.

Susan Payne: I think I'm doing the same. I think if we just ask something really, really vague and open-ended, like, "Have you received any kind of objection to your choice of name?" that could capture all kinds of times in the process, you know, that could, you know, someone who got a cease and desist letter way down the line or something.

And whilst we may need to craft this in a way that even if people don't really understand what the claims process is they realize that's what they're being asked about. But my thinking is that in this particular question that's what we're trying to elicit is, you know, did you get a claims notice if you didn't know that that's what it was and kind of what was the impact and what did you do. So we don't want to have – start having people who got cease and desist letters answering at this point.

And, you know, and it's not asking kind of when did you get your, you know, it's not asking anything about the timing of the objection. So this is about, you know, when you put in your request for the name, did you get something back that told you you needed to give some consideration to it. I mean, that's what we're looking for, isn't it?

Kurt Pritz: Thanks, Susan. Rebecca.

Rebecca Tushnet: Hi. Rebecca Tushnet. So I think people have different views on whether this is actually a funnel, right? So I don't think it would make sense to stop there of course, but I think it would – it may well make sense to say, you know, okay, if someone says "yes" then you ask follow up questions. "Was it a notice worded like this?" And then somebody has the opportunity to say, "yes" or "no" or "I'm not sure," which is, you know, again something that might well have happened to them especially if they're not lawyers.

So I agree that one obviously should not stop there, but presenting them with the text of the notice immediately also seems to me to be a mistake. However, this might be something to ask the survey expert under the

circumstances, how do we best funnel people? And then the other thing I would say is actually I think we are quite interested as a working group in many of the other ways in which this might have happened.

So I think that the working group has expressed concern about things that weren't caught in the trademark notice but nonetheless, you know, should have been. That's the proposal to expand the match to, you know, anything that's an exact match or, you know, within a couple letters or whatever. So the people who got objections later, at least on trademark rounds, are of extreme interest to the working group. And, you know, if we find them seems like it'd be worth asking them what was going on. Thank you.

Kurt Pritz: Thanks, Rebecca. Kathy, before you go, so Rebecca, so I agree that we'll pose this question to the survey provider, and the reason is that, you know, you and I disagree on this. I think the things that you're saying are, you know, of interest to this group might well be of interest to this group but not necessarily in answering these charter questions. So, you know, and I don't, you know, anyway I just – I just kind of disagree. But I understand and agree wholeheartedly with, so let's – there's a nicely worded issue to take to the survey provider which approach would be more effective. So I'm for that. Kathy.

Kathy Kleiman: So, Kurt, does that mean that this question is staying in?

Kurt Pritz: That means we're going to put as part of our iteration with the survey provider, we're going to put a finely and precisely worded question that says, you know, we're undecided whether we need to ask this question as a funnel question or not, which do you think would be the most effective approach in your opinion?

Kathy Kleiman: Okay.

Kurt Pritz: That's what I think.

Kathy Kleiman: And just a quick note, we did the funnel approach, it seems like I was just reviewing the trademark owner's question so I think we did something similar there as well. But good, let's pass it onto the experts. Thanks.

Kurt Pritz: Your funnel and my funnel are just different shapes, Kathy. Okay, so...

Kathy Kleiman: Okay Kurt.

Kurt Pritz: Got up from my desk and I took off my glasses. All right so then my next question is, you know, "When you registered a name in a new top level domain, did you receive a notice that stated," blah, blah, blah. So it just asks a very specific question, "Did you see a trademark claims notice?" And, you know, I kind of short changed the question here. But, you know, that'll be up to the survey provider that'll lay out the question in a way that matches what the registrant would have said in that case.

And then so then in my writing I had, "If no, terminate the survey." And so, you know, I don't know if we want to add that as part of our questioning or not.

Kathy Kleiman: Kurt, this is Kathy. Currently it says, "If no, proceed to comprehensive question." Sorry, didn't mean to jump Rebecca.

Kurt Pritz: Oh okay, sorry, Rebecca, I was staring at my piece of paper. Go ahead, Rebecca.

Rebecca Tushnet: Rebecca Tushnet. So Kathy had it exactly, I mean, this pretty much by definition the people who did register are a great group to ask comprehensive questions about the notice that they might have received. So I would go ahead and ask them, you know, the abstract questions, you know, just to see, you know, is the notice communicating what we hope it communicates? Thank you.

Kurt Pritz: So, Rebecca, can I ask you to elaborate? So I was just – I was just reading the question, you know, “When you registered a name, did you receive this notice?” So I’m perceiving that you’ve moved onto the next question that is, the next question should be asking people who said they did receive a notice, is that right?

Rebecca Tushnet: So I’m not sure that’s right. So this is just the, you know, the decision tree in the survey itself. Right? So if they say, “No, I didn’t receive a notice,” I don’t think the survey should end, that’s all. And then we go to the comprehension questions not – that are directed at people who didn’t necessarily receive a notice. Thank you.

Kurt Pritz: So I’m trying to understand – just for the purposes of these charter questions why we care about that? So could you, you know, I don’t know if there’s a follow up but...

((Crosstalk))

Rebecca Tushnet: Sorry.

Kurt Pritz: Yes, go ahead Rebecca.

Rebecca Tushnet: I think we care about it because we want to know whether the notice is working as intended, and if it is comprehensible to the group of people who are going to receive it, then we can have more confidence that it’s working as intended. If they think I have no idea what this means, if I got it I would just immediately, you know, abandon, then we have a problem is that it’s not written in the way to do what it’s supposed to do. And so asking people – it’s just like asking potential registrants except they are actual registrants who registered a name that didn’t happen to trigger one. Thank you.

Kurt Pritz: All right so, Rebecca, let me repeat that back to see if I understand. So we asked the registrant if they received the trademark claims notice. She or he says "no" and then we want he or her to continue this survey because we might get like information from that respondent, you know, if they, you know, in a hypothetical sense that they received such a notice that I would, you know, they would react in a certain way and we think that would be helpful too. Is that what you're saying?

Rebecca Tushnet: I would say it's a comprehension question. So, you know, what messages this group, which is the target group, receiving from this notice?

Kurt Pritz: Right, but they answered "no" – this is Kurt. They answered "no" so did you receive this notice...

((Crosstalk))

Rebecca Tushnet: ...because they didn't receive one but they're still the kind of people who are the audience for such notices when triggered so we want to know, you know, when they get one, do they understand it?

Kurt Pritz: Or would they understand it? Right, okay. Kristine. Thanks, Rebecca.

Kristine Dorrain: Thanks. This is Kristine.

Kurt Pritz: Yes.

Kristine Dorrain: Yes, this is Kristine. I agree with Rebecca. I think that not only do we want to know hypothetically wow, okay, thanks for answering that. Now I'm going to direct you to a different set of questions. You know, if you received a notice that looked like this, you know, what would you do with that information?

Kurt Pritz: Right.

Kristine Dorrain: But then we also have questions generally about cart abandonment. And remember, to get to a claims notice you have a domain name in your cart at that point, right? So we've got questions about abandonment that we need to ask people, and now you've kind of got a captive audience of people you can ask, you know, no, I didn't get to a claims notice. Okay, so you abandoned your cart for some other reason? What was that reason?

I mean, so I'm – I think what Rebecca is trying to say and what I agree with is that as long as these people are here, let's skip ahead then and don't keep asking questions about the notice itself but skip ahead to all the other questions that we're going to ask them as long as they're captured and as long as they're here in the survey. Thanks.

Kurt Pritz: So I just want to – so I agree with you and Rebecca. So but I just want to tease it for a second for completeness sake. So these are people that have registered domain names, they haven't abandoned the cart, right? Or maybe they have in some cases or haven't in some cases. And are you advocating we – since we have registrants – so there's two paths here. One is they haven't received a claims notice but we want to ask them about claims notices anyway and how they would react if they received one, which I think could be valuable.

And then is the second thing you said, Kristine, that you wanted to ask other questions about cart abandonment that don't apply to trademark claims but might apply to other areas of the survey?

Kristine Dorrain: Yes, thanks. This is Kristine for the transcript. Yes, and this maybe ties back to the thing I didn't say earlier so maybe now I'm thinking I should have said it. But it really comes down this idea of thinking that there's two distinct paths that will never like sort of intersect again. So this idea of a registrant versus a potential registrant in all honesty, if you register a domain name you've probably attempted to register more than one or you have registered more than one. So you're probably going to have people that have had a variety of

experiences, maybe two or three or five or 100, like I don't know, but probably more than I went to get a domain name, I got a claims notice and I walked away.

Like most people I think would be slightly more persistent and try something different. I think we just need to be open to the possibility that once we have somebody in the survey we do need to gather not only the data about, you know, this, you know, particular claims notice they may or may not have received but other related behaviors that may apply to other transactions and maybe that's what I'm trying to say is that I think we're thinking really linearly about a specific transaction where a user is going to be coming to the survey with a general overview of transactions.

I have a bunch of domain names registered with a bunch of different registrars and a bunch of different TLDs. I've had a variety of different user experiences. I'm going to fill the survey out with all of those experiences in mind. And so I'm not necessarily going to be thinking of the same transaction for every single question and I want to – think we want to be able to word it broadly enough and have enough sort of on and off ramps where the questions merge together so we can get really a good collective experience because getting registrants is going to be hard enough. We want to get their collective experience rather than just one specific transaction. Does that make sense?

Kurt Pritz: I'm really sorry to ask this question because I'm sure you were really clear and I apologize to the others that are waiting in line. So are we saying we want to broaden the inquiry beyond trademark claims and the charter questions that we're attempting to answer? And if the answer is "yes" that's fine, and if the answer's "no" then I'm not understanding something.

Kristine Dorrain: Yes, I'm sorry to be unclear. Not, I do not want to broaden past the charter questions but the charter questions ask about trademark claims but then also the charter questions ask about, you know, how are people perceiving this?

And I know that the charter questions – and maybe this is the fault of the chart, but the charter questions maybe didn't get Section 4 this question, but there are questions about cart abandonment. And you have people that probably cross into Categories 4 and 5. And I think it's sort of maybe that's what's confusing is that I think to the extent that you have somebody and they fit into more than one category we should be able to organically get their responses for multiple categories.

So yes, of course, only answer – ask questions about the charter question. I'm a huge proponent of that. But our charter questions more than just to claims notice. Our charter questions go to sort of the whole experience of, you know, getting domain names and, you know, did you get a premium price offer? Did you abandon your cart? And so – and maybe that's part of the problem, maybe I'm just being unclear because I'm looking at the data table more holistically and not just as the specific rows of questions that we're answering, and maybe I'm causing the confusion so I apologize.

Kurt Pritz: You never have to apologize, Kristine. So that's a lot more clear for me, thank you. Kathy.

Kathy Kleiman: So this is Kathy. I thought what Kristine said made a lot of sense and especially coming with the expertise of the charter questions or the revised charter questions. So I'm not going to be nearly as eloquent, because I had your cold yesterday. But I think what's happening, and is this – that you're on the call and I think and I've gotten this wrong before, I think Rebecca is the author of the next section, the potential registrants and that they kind of flow in and out of each other. So instead of terminating once we have these registrants in your section, we can then flow them into another section, so we're not terminating, we're kind of continuing the discussion with them in another place.

And other than that I'm going to stop because I think what Kristine and Rebecca said made perfect sense as a way of keeping them, asking a

different set of questions so we send them to a different – rather than terminating we send them to a different part of you know, a different set of questions. But we don't lose them and their expertise. Thanks.

Kurt Pritz: Right. So my understanding of this is for me or someone to go through the other parts of this survey and try to capture those charter questions and perhaps questions here about that, is what I understand, so let me know if that's wrong. Michael, I think I agree with your characterization that you typed into the chat about gateway questions and shuffling. I think it probably needs a little more elaboration or tweaking than I had room for in the chat room but I just want to let you know I agree with that, and go ahead.

Michael Graham: Yes, it's Michael. Thanks, Kurt. Yes. There's not a whole lot of room and my fingers are a little tired. But what Kristine was saying, I think is right on point, and I don't think it has anything to do with expanding or changing the charter questions or mashing a bunch of them through. Clearly what it is is when we ask, okay so gateway questions, which lead you down a particular path, and although I'm other Zen West Coast, I do tend to think linearly.

But in going back to that when we do have a registrant and I think we ask them the registrant questions about what they did register, I agree with what Kristine was getting at, and she can correct me if I'm off the path, but then we also ask, as part of the questioning to them, "Did you also have registrations that you did not – where you weren't granted a registration?" And then they're taking through the same potential registrant questions that someone who hasn't registered any of the domain names would be asked.

So, you know, it's just continuing on that line of questioning with them as well rather than cutting it off as only asking about what they did register. And I appreciate that, you know, there are going to be an endless number of possible ways that you did or did not understand a particular instance, but I think that sort of would cover what Kristine was getting at. Thanks.

Kurt Pritz: Thank you, Michael. Rebecca.

Rebecca Tushnet: Rebecca Tushnet. Thank you. So I just want to add to the chorus supporting Kristine and fortunately, you know, this is why God made ticky boxes in surveys, right, instead of the radio buttons where you can choose only one. So, you know, we ask them at the outset you know, and they can say, you know, I've tried and not completed, I have completed, I've neither tried nor completed but I'd consider it, none of them, in which case then those people who say "none of the above" go away.

But the – I think the point here is, you know, you ask them, "Do you fit into these boxes?" And then you say, "Okay, this part of the survey is about the domain name that you did succeed in registering," right? This part of the survey is about the ones that you didn't and ask them. And we may have to ask them about stuff like, you know, is it – where we get answers that are completely irrelevant to us like, you know, I got tired or I decided I didn't need the domain name anymore. Which is fine, we just need to know that they're in there and then we ask the ones who are relevant the relevant questions. But you know, fortunately I think you know, modern surveys are well equipped to do that kind of flowing. Thank you.

Kurt Pritz: Thanks, Rebecca. So I – I really appreciate this much discussion and see a lot of merit in what's been said and have to give some thought. I really like what Kristine says that the survey provider will take care of this. I think it'll take some thought. Kristine.

Kristine Dorrain: Hi, thanks. This is Kristine for the transcript. I just want to clarify because I know we're sort of like maybe – I know I was looking at like okay, now where do we go from here, right? I was just going to offer a suggestion that I think we do continue with these questions because these questions are still valid and we do want to look through them and make sure that for this particular subset of people these are the right questions and the wording is clear.

So I think we just want to avoid putting language in that says stop survey or off ramp, but just keep going down the line, you know, barreling through, asking the questions and then from there letting the survey provider decide, you know, where people off ramp and on ramp if that's okay. So I do propose that we continue with your questions as written so I think that's fine. Just thought I'd throw that out there. Thanks.

Kurt Pritz: All right. Thanks, Kristine. And I viewed off ramps as off ramps to different set of questions and not, you know, off of the metaphorical freeway all together. So it's two minutes to the hour and I want to leave you with this – Rebecca, is that an old hand?

So the next question in my PDF it's purple, but they are inserted questions. And what's kind of good here is I don't know who inserted them so this isn't personal in any way. But this is really open ended, you know, you, you know, how did you react to your choice of a – to the objection – to your choice of domain names? So you know, I would first of all make that specific about the – about the trademark claims notice and not an objection.

And second, I, you know, and this is for us to think about or talk about, it'd be great if we could talk about it in email because maybe we can come into the next call with wrapped around some sort of closer consensus. But you know, I first want to try to capture the information in multiple choice questions and then go to open ended questions if we need to. So, you know, my set of – the original set of questions really had to do, you know, was did you receive the notice? Yes. How did you react to the notice?" you know, you proceeded with the registration without thinking about it much? You thought about it carefully but then continued with the registration or you abandoned the registration.

And then, you know, then if the next question is, you know, if you – if when deciding to register your domain you decided not to complete the registration, you know, what, you know, is this because you believe you might be sued? Because someone had a legal right to the name? You had no legitimate right

to the name? It just seemed like too much trouble or too confusing or some other reason?

So I'd really like to move to the top – move to the top there multiple choice approach that could capture, you know, could capture 80 or more percent of what we need. But then understand that – you know, understand, you know, providing people an opportunity to opine more verbosely.

Rebecca, I think you're getting the last word.

Rebecca Tushnet: Yes, so I just want to say – I actually think we should start open ended and in particular I don't think we should ask questions especially ones with adverbs that are going to lead people to answer in a particular way. I for one would be hesitant to answer a question that is saying oh no, I didn't think about it carefully at all. And I think there are – there are ways that we cannot suggest wording that a survey expert would want to change, I think.

And one of the reasons to start sort of – if you want to say, “Did you proceed or did you not proceed?” then say, okay, “Why?” for those who did, “Why not?” for those who didn't. And I think we should give them a chance to say let's say – would say them in their own words and then give them multiple choice, that's pretty standard for the surveys of which I'm aware where you really want to figure out what they're thinking because if you don't give the right options and if you present them with a list right at the beginning they'll choose from that list even though it doesn't reflect what actually happened.

And if we miss a reason that's important to them like, you know, it was taking too long, then we'll lose that information entirely. So that is why at the very least I would say give them a shot at saying it to themselves and then ask the multiple question – choice questions that we've come up with. But I guess that's where we got to leave it for now. Thank you.

Kurt Pritz: Thanks very much, Rebecca. And I agree with your idea to ask the “Did you proceed or not proceed” question and then let that be another off ramp or fork in the road for following questions. But, you know, I’m a big fan of yours but I disagree with the way to conduct the survey and leading with open ended questions for – and not multiple choice questions for a few reasons.

One is so one of the purposes of us discussing this is to try to hone these questions so if it’s a multiple choice question and, you know, in our collective expertise we decide, you know, things like did it take too long is another choice that should be given, you know, that’s why we’re here to add that expertise. So, you know, these are, you know, proposed multiple choice questions that I think we could hone with discussion in this group.

And then second, you know, one of the problems – there’s a couple problems with open ended questions on surveys of this type going to people with the sophistication of registrants and that is, you know, they’ll answer the question in many different ways and make it very subjective to try to categorize the answers in some way. So you know, people who agree to take a survey that it might even be being paid a small amount of money to take a survey, you know, get discouraged quickly with open ended questions and abandon surveys, so that’s kind of shown.

And then another point is that – that I didn’t make at the outset but I might should have – is that there’s – you know, we’re trying to keep our costs down and one of the cost drivers of surveys are open ended questions because somebody has to read the answer, decide how to categorize it, decide how to characterize it, and what it means. And that increases the cost of surveys but multiplies, you know, significantly. And so say we reach 500 registrants and so – and we ask five open ended questions, that’s, you know, 25 answers that need to – 2500 answers that need to be dissected.

So, you know, again, and I want to continue the conversation because, you know, I can argue the other side too, Rebecca, but you know, I would urge

the group – and when we talk to the survey provider from my personal standpoint I would urge the survey provider – or hope the survey provider has that sort of bent on things that where might experiences show me to be effective.

So I'm really – and Michael, I think, said, you know, if there's another answer that other answer can provide a blank or a place to fill in information so if we think we're getting 80% multiple choice we've got the other 20% may be in those that, you know, check other and the elect to fill out the blank in some way. Rebecca, is that your hand still up? Of course I'll give you the last word if you want, really apologize to everybody for...

Rebecca Tushnet: Sorry, I have to take my cat to the vet. But I agree that there are arguments pro and con, which is why, you know, I'm willing to say to the survey provider, you know, let's try and use the open ended questions sparingly. But we've got to give them a chance to say what's actually happening. This is the core question, right, you know, especially for people who say "Yes, I got a notice." We got to hear from them in detail. And, yes, that's where we should spend our precious allocation of open ended questions.

And I agree, we should have multiple choice but it should be after. I think that's a pretty standard way of picking up people and I understand it does have costs, but I think in this case in particular it's worth it. Thank you.

Kurt Pritz: Thanks a lot, Rebecca. And I think – so if I do work between now and the next meeting I'll try to figure out how to frame this discussion up in a clean way so we can all make our points and get to some consensus about what it would look like and understand also where we're going to give, you know, defer to the survey provider.

So no more questions. Okay, so I think – I'm looking at the chat and I think we're done. So thanks very much for putting up with my voice. So I'll either be

better on the next call or dead so we'll see what happens. And I'll talk to you next week. Bye, everybody.

Julie Hedlund:: Bye, Kurt. And thanks so much and hope you do feel better, and we'll look forward to...

END