

**ICANN
Transcription
Review of all Rights Protection Mechanisms (RPMs) Sub Team for Data
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Operator: The recording has started.

Julie Bisland: Great, well good morning, good afternoon and good evening everyone. And welcome to the Review of All Rights Protection Mechanisms Sub Team for Data call held on the 8th of December 2017. Today on the call we have Kristine Dorrain, Phil Corwin, Michael Graham, J. Scott Evans, Kathy Kleiman and Antoinetta Mangiacotti. Apologies from Susan Payne. And from staff I have Ariel Liang, Julie Hedlund, Mary Wong, Berry Cobb and myself, Julie Bisland.

I would like to remind all to please state your name before speaking for transcription purposes and to please keep your phones and microphones on mute when not speaking to avoid background noise. And with this I'll turn it over to Michael Graham. Thank you.

Michael Graham: Thanks. Michael Graham for the record. And I think before we start looking, today we're going to go through the section that I had reviewed in connection

with developing some data questions and anecdotal questions that will be Section 3, the Survey of Trademark and Brand Owners.

Prior to that maybe just a quick recap of what we have already covered, and Kristine, I believe that's certainly Section 1, and have we done other sections as well? I apologize, I missed the last call because of meetings, but just so that we have this on the record where we've already been.

Kristine Dorrain: Hi. Thanks, Michael. We have only completed Section 1, we have not even started on any of the other sections, so this will be our first discussion of a non-Section 1...

Michael Graham: Okay.

Kristine Dorrain: ...the non-Section 1 data.

Michael Graham: Great. Thanks, Kristine. And all that I thought I would do is go through these and see if those on the call, Kristine and I – but anyone on the call has any comments, questions, or suggested changes to these. And what we were doing was trying to come up with questions that would reach either anecdotal basis or for data that can be utilized in addressing some of these questions that we believed were best addressed to trademark and brand owners.

And I'm not sure how we were going through earlier, you know, I could read the purpose and scope and go through. Mary, is there a particular way that you think would be the best to create the best record on this?

Mary Wong: Hi, Michael. This is Mary from staff. And I think that's basically how Kristine was leading the Section 1 as well. It's helpful to at least briefly refer back to what it is that we're looking for, so the purpose and scope and to note what the charter question was, but then to have a discussion on the actual suggested text.

One of the things that the group looked at for the registry operator Section 2, as you know, because staff did take the text that you all suggested and divided them as best we could into questions that were more anecdotal in nature versus questions that were more focused on data collection.

Whether the staff placement of the suggested questions was in the correct column, that's something to note as well as you go through the suggestions.

Michael Graham: Okay, tremendous. Thank you. So let me just start with the first and basically the purpose and scope of this particular survey is to obtain feedback from trademark and brand owners on the sunrise charter questions Number 2, 4 and 5 basically those are whether premium pricing and the use of premium names and reserve names lists affect – or affected trademark owners' willingness to participate in the sunrise program, and whether intended purpose of the mandatory 30 day sunrise period fulfilled – whether the sunrise should be mandatory or optional.

So Question 2, which was the first relevant charter questions, actually had a couple of portions. The first portion being does registry sunrise or premium name pricing practices unfairly limit the ability of trademark owners to participate during sunrise? And then the follow up to that is if so, how extensive is this problem?

So the specific questions that the sub team came up with – or that I propose are to address those questions. And on the anecdotal side, let's see if this works, the question would be, "In the gTLDs that you decided not to seek sunrise period registration," I think we have to change that a little bit so it's "In the gTLDs that you decided not to seek sunrise period registration due to price," the sub question was, "Do you believe this was an unfair or premium price?" I think we just have to revise that question slightly so that it's clear, in the gTLDs that you decide – in which you decided not to seek registration sunrise period registration, due to price.

Do you do you believe that this was – I guess we could – my suggestion would be that we rephrase that to be a single question rather than the sub question so that it would be not to seek sunrise period registration due to the fact that the price was unfair or premium? Just turn that into a single question, does that make sense?

Or should I – that was the question that I had in going over this last night, Mary, whether or not I should simply submit in written form suggested changes like to that.

Mary Wong: Hi, Michael. This is Mary from staff. Oh and I'm sorry, J. Scott had his hand up.

((Crosstalk))

Mary Wong: Yes, I'll just quickly respond to say that, you know, you can feel free to make the changes in the Google Doc after the call but I note that we are also taking notes on the right hand side pod so we're happy to make those changes for you.

Michael Graham: Okay. And I'm sorry, I'm not looking at my screen right now, but, J. Scott, you had a question or comment?

J. Scott Evans: Yes, I didn't have a question, I just had a comment. If one of the tasks here is to make these questions more objective, so wouldn't we want to ask in the first question, "In the gTLDs you decided not to seek sunrise period, was it due to cost?" because it could be that it was just cumulative costs and they didn't do it, it didn't matter what they were priced, it was the overall you know, \$1200 times 50 trademarks was just too expensive.

And then if so, you know, did price you know, individual price of – or something – ask something about price but don't talk about unfair or anything like that because it seems to me that that's somehow, you know, leading to a

conclusion rather than just letting it be prompted and then they can say whether they thought the price was unfair or premium pricing or – I don't know.

But it just seems to me if part of our process is to objectify or make these questions more objective and seem less, you know, strained towards one position or another, that might be something we'd want to think to do to make it more neutral.

I'd love to hear Kristine's thoughts since she's been involved in sort of working neutrality into several different sets of charter questions. And I noticed Berry has his hand up too.

Kristine Dorrain: I'll defer to Berry and then I'll put my...

Michael Graham: Okay, Berry, go ahead. Just trying to set up so I can see...

((Crosstalk))

Berry Cobb: Thank you, Kristine. Thank you. Berry Cobb. Just in reading this question and something that you all might want to consider kind of to J. Scott's point about the neutrality of it is, you know, there are these X to how a brand is responding to, you know, a particular component of a sunrise whether it be pricing or maybe they didn't communicate well, and I think a good follow up question that you might want to consider is well what did you do because of X, Y or Z?

You know, so for example if the premium pricing was – or, you know, if you decided not to seek a sunrise due to price, what did you do afterwards? Did you wait until general availability then to see if your name was available to register it you know, or something along those lines instead.

Michael Graham: And since this is within the anecdotal and Kristine, maybe you can clarify this based on the earlier discussion, it seems to me that that sort of follow up – well both the initial question and then certainly the follow up that you were suggesting, Berry, could be relatively open ended since we're looking for the anecdotal evidence under this question.

Does that go a long with the earlier discussions Kristine? And just real quickly, I agree, I think any time that we have something like "unfair" in the question, we should revise that to ask if it had an effect, if so, what that effect was, but not say was it unfair, I agree with that, J. Scott. Kristine.

Kristine Dorrain: Yes, thanks. This is Kristine. Yes, I do agree with taking out the word "unfair." And I think that when we did Section 1 there were several places where we just said, rather than do you believe like suggesting the answer because it was unfair or premium, just why? You know, if you didn't do that, why didn't you?

And you know, generally at least in, you know, even though the anecdotal question column precedes the data question, and I think in some ways that's right because those questions tend to be broader, in some ways I think we're going to want the survey provider to use its own smarts about when to intermingle the anecdotes, you know, sort of that information gathering in with the data driven question.

So you have a long list of data questions that sort of generally get the recipient of the survey to be thinking on a particular mindset. When I was trying to participate in sunrises, this is the experience I had. And then by the end of the data driven questions, they're remembering oh, I was disgruntled, or I wanted to do X or I couldn't do Y, then you toss in that anecdote at the end and you say, okay, based on what you've said to date, what do you – no, why did you decide to do what you did? What did you decide?

And I like Berry's suggestion or maybe it was J. Scott's to really dig in a little bit more as to maybe you decided other things, maybe you said, you know, I'm going to only participate in these TLD sunrises but not these and maybe it's a net cost versus a, you know, per TLD cost.

So I think not only neutralizing the question but understanding where this question might fit in the context of all the data questions is really important because in this specific instance, which we didn't really have with Section 1, you have lot of data driven questions and I think that's good. And we're just going to have to have the survey provider figure out where the anecdotal question fits. That's my two cents. Thanks.

Michael Graham: Great. Michael for the record. Kristine, thanks a lot. And I think that's an excellent point. And actually in looking at this, and maybe it's in particular to this Section 3, the very first of the data questions asks, "Do you or your company own registrations for any trademarks? If so, how many?"

If not, that's the end of the survey. I'm sort of thinking – and then also it drives down into the metrics, I mean, it's really looking for empirical information and answers whereas, as you point out, the anecdotal is more open ended.

I wonder if for the purpose of form and to avoid any sort of unclarity and going along with what you were just saying, maybe organizationally we should shift those two columns so that the data questions come first and the anecdotal questions appear as the second column, does that make sense?

Kristine, old hand, new hand?

Kristine Dorrain: New hand. Thanks. This is Kristine. I think that in this specific question, it doesn't – whether this question goes in the data question or the anecdotal column, I don't – I think that's a distinction without a difference in this specific instance, it's – either way it's a follow up question. And if we change it to

“believe” and just say “why?” that actually becomes a follow up to the data questions.

And so I don't think in this case it matters, and maybe – I know you missed the last call but we spent some time talking about sort of these are not questions we're providing to the survey provider to just copy and paste into a survey, they're guidance questions and we expect the survey provider to take these and turn them in one, two or three really good questions.

So for instance on your data questions, you say, “If not, stop survey.” Well that'll be the survey provider's decision whether or not there's another follow up or that sort of thing. So I don't think we have to spend a lot of time in this specific question deciding whether it's anecdotal or not. I could support either. That's my opinion, thanks.

Michael Graham: Okay, and just to respond to that quickly, what I was suggesting wasn't to move the question but to move the actual columns, just organizationally on the page. J. Scott.

Kristine Dorrain: Oh, okay, if I can quickly respond to that, first. So I think possibly I would say that from the perspective of Section 1 it actually made really good sense to kind of go anecdotal then data. So we may decide at the very end to swap the two columns because the – for the bulk of it that makes more sense. I think it's a little premature to decide whether the columns need to be swapped at this point. Thanks.

Michael Graham: Okay. Thanks. And I think with the caveat that this is just information that's going to be passed to the survey maker and the survey maker will have the final decision on this, that's fine. I'm sorry, J. Scott.

J. Scott Evans: I think, Michael, you picked up on my point that I was going to make is, I mean, one of the things we may – is that very point is we're not designing the survey, we're leaving that for the professionals. But we may want to notate

that we had some discussion with regards to order of the questions and we would ask them to be thoughtful about that.

Michael Graham: Yes, good point there. Thanks. Kathy, you have your hand up.

Kathy Kleiman: Hi, yes. I wanted to ask two questions. Well first, in terms of switching the column, since we've been looking at the table this way and it did make sense for the registries, I would vote to keep it the way it is just because we're used to reading it that way now, and the idea is to kind of to do this work very quickly and get it out...

Michael Graham: Yes.

Kathy Kleiman: You've already heard some of the pressure – some of the enormous pressure we're on from Council on this. I also wanted to – because we don't have to talk now, but we have to have a section of these questions now for the private rights protection mechanisms, so I'm not sure when we're going to do that, but this format that we got, you know, seems to work and the whole idea was to insert that last section of our data gathering questions in quickly. And so I just wanted to make a note with staff and everyone that at some point we have to figure out how to quickly do that as well.

But I was hoping we could just throw a bunch of stuff against the wall, give it to the survey people, we're giving them a lot more than we thought we were giving them to begin with, and keep moving on so that we can get these survey questions out as quickly as possible. Thanks.

Michael Graham: Michael for the record. Thanks, Kathy. And with that in mind, let's move ahead quickly. And I definitely agree, and my apologies for having missed the last meeting, I was out of pocket as it were.

Anyway, moving to the data questions, and I guess with the sense that we've been discussing, what I'll do is go through these questions, stop after each of

the major questions, if anyone has any comments, questions, things we should clarify we can make those comments, and then we'll move on to the next.

So the first of the data questions is, "Do you or your company own registrations for any trademarks?" The sub questions, "If so, how many? And if not, stop survey." Again, that suggestion perhaps to the survey designer, it's not what we're doing. Kathy, did you just raise your hand or that's the old?

Kathy Kleiman: Sorry, old hand.

Michael Graham: Oh okay, thank you. So the second question then is, "Have you registered any of your trademarks with the Trademark Clearinghouse? If so, how many?" Again, "If not, stop survey." Probably going back if not, okay, then the next question is, "Have you submitted proof of use for any of your trademarks with the Trademark Clearinghouse in order to take part in the sunrise services? If so, how many?"

Just wondering – hang on just a moment. I wonder if that's – might be – and maybe you have some of these from the first section, I don't recall. That really is sort of an open question, "If so, how many? And if not, why?" It seems to me that that might be something that would be prone to have a follow up question. The follow up question of which would actually be more an anecdotal answer than a data question.

Kristine, does that go along with the other discussions? Is that something that would fit in here do you think? Because I think that certainly is something that we would want to probe to get the answer on. I'm just asking off the top of my head.

Kristine Dorrain: Yes, this is Kristine. That – yes, I think that's in line with what we've been doing. And we do really like that suggestion of getting the numbers, getting the actual hard data statistics we can and then following it up with the chance

for users to – or for the survey takers to be able to explain or elaborate or go into a little bit more detail if everything isn't really a cut and dried yes or no answer. So I do support that. And I do just – I didn't raise my hand before but I mean, I think you're on the right track with these questions. Thanks.

Michael Graham: Okay. Thanks. And I think that's probably something that we'll want to put, you know, in an asterisk in the instructions to the survey designer that we do want – while we want to obtain as much empirical data as possible, we also want to leave it open so that survey takers have the option of providing anecdotal responses, I think that'd be great.

So moving onto the next question, "Have you applied to register any of your trademarks in a new gTLD during sunrise period? If so, in what gTLDs?" I don't know if that one also would have a follow up question but I think that's pretty much asking which ones. J. Scott, you have a comment?

J. Scott Evans: Yes, I mean, I wonder is it important which ones?

Michael Graham: Good question.

J. Scott Evans: I mean, should it just be again, a question of how many?

Michael Graham: Yes, I'm sort of – and I'm looking at the next question too how these two interrelate, so let me just read that real quickly. The next question is, "What factors," I guess, not have you, "did you consider in deciding whether to apply to register your trademark during any sunrise period?" Sort of a sub question.

And I think you have a good point whether or not we need to have in which ones. I think the question of in which one sort of goes along with the motivation but maybe the numerical question is the one that should be asked first. Kristine.

Kristine Dorrain: Thanks. This is Kristine. I'm actually looking at this entire chunk of questions so from this first, "Have you applied to register?" all the way down through, let's see, the next one, the next one, the one after the one you just read was the price factor, and then you say, "In what gTLDs did you decide not to seek sunrise?" which I think is actually the nuts and bolts of the question, right, because if you go back to the charter question, it's like were you limited, were you unable to participate because of, you know, high – the high pricing or the reserve names list.

And so I think, you know, what you're trying to get at here is really were the high costs of – were there high costs associated with sunrise and did that factor in? And I think there's a way to kind of take all four of them and kind of group them in a way and say here's a section of questions that we are sort of asking that build upon one another to get to this was price a problem question and sort of allow the survey provider to take these as a lump and do something with this lump of questions that we think sort of guides the user to answering a price question with hopefully not suggesting that price is a problem, so trying to keep it neutral. Thanks.

Michael Graham: I think that's an excellent point, an organizational so passing it along standpoint, Kristine. I'm looking at the very first one, "If so in what gTLDs?" that sub question to that particular one may not be necessary, either that or how many, it may just be if yes, then you go onto the other questions. Phil, you have your hand up.

Phil Corwin: Yes. Thank you. Phil for the record. I was just going to say, if we're going to ask – I note that below on the next page where it asks whether you decided not to use the sunrise registration due to price and then ask if you remember the price, which one would assume was the price that was too high that discouraged the decision.

So if we're going to ask – I'm not saying we should but if we're going to ask what TLDs the sunrise pricing option was exercised, we probably should ask

what was the price you paid, and then we would get a more complete picture of what a particular trademark owner found to be a reasonable price to exercise sunrise registration rights versus at what price level they thought it was too high to bother.

So not arguing for it, but if we're going to ask where they did it we ought to ask what they paid for the sunrise registration. Thank you.

Michael Graham: So just so I'm clear, it basically would be adding a second sort of sub question there, Phil, where one question would be, "What was the price that you did agree to pay?" And...

((Crosstalk))

Phil Corwin: Well where it says, "If so, and what gTLDs," the follow up question, "Do you remember the price you paid?"

Michael Graham: Okay, right there, okay. And a good attorney would say don't ask that question because the answer will be yes or no and that's where they'll end the answer. Going ahead. Kathy.

Kathy Kleiman: And that's exactly what I was going to say. We're doing leading questions, counsels. Okay, especially on the anecdotal question on the left but also on the pricing, "Do you believe it was unfair or premium price?" Come on. The question – the right question seems to be to follow where Kristine is leading us generally which is, why?

And I wouldn't, you know, leave it – I'm not even sure we have to mention price. Believe me lots of people will tell us about it but so on the anecdotal questions and then flowing into the data question, "In the gTLDs that you decided not to seek sunrise period registration, why?" Just why?

And obviously the answer is going to be price guided because you can't – all the sunrise, you know, because of the reason many of you guys discussed in lectures that we talked about long before the new gTLDs were created, which is that registering in all of them is budgetarily unrealistic.

So but what we're trying to get a here is, I think the extraordinary prices that were charged in certain sunrise periods. But let people give us that information, let's not push them forward, it becomes a leading question. Thanks. And, Michael, you already fore-thought that. Thanks.

Michael Graham: Yes, but I like the way you would rephrase that, Kathy, and I think you know, on the anecdotal questions, I think we've got a good A, which ends with "Why" rather than any suggestion of price and then also the alternate question of "Did you take any other actions?" I think that sort of leaves it open and then the more specific questions really digging down on the price side of things. J. Scott.

J. Scott Evans: Yes, I mean, I don't – first of all I don't think we should ask what you paid because I think again you're asking for information that is going to deter people from responding because they're going to go how the hell am I supposed to remember what price I paid?

If you ask a question about why didn't you register – or you ask open ended question and price was a factor, and they will remember that. Right, they will remember and they will respond. If they were upset about the price or felt like the price somehow was unfair or treated them unfairly or limited their choices, they will remember that and they will come forward with it.

But if they're, you know, one of the things I remember hearing from Lori, and Michael, you're closer to it than I am, but one of the problems we had with the INTA survey was a lot of that information is not housed in one place. And so trying to get a trademark person and a legal department that's been handed

this survey to find all that, it was just too complicated and too much of an endeavor so that in – they didn't look for it.

So I think we need to be mindful that we don't want to ask for information that will discourage people from participating. I think we can ask a question that if it was a problem that will bring it to our – to our attention through the answer of the open ended question.

Michael Graham: Thanks, J. Scott. And considering that, for clarity, yes, one of the issues with the INTA survey and one that's being looked at now for subsequent surveys is the type of information, the specificity of it that was being asked for.

In addition, and just looking forward to the number of responses we might get and the number of people who might be able to respond with what they did pay and felt was fair or what they remember they were asked to pay and decided not to, whether they will or not, if we do ask that question and we get fewer responses than everyone, then we start tilting, you know, figures that look like they are metrics but actually are opinion because they're based on the few people who can remember the prices and that starts being a problem.

And I agree to that those respondents who decided not to register because of price will probably have a pretty good idea of what that price was that they were asked to pay that they felt was unfair for whatever reason and will be able to provide that, so thank you. Kristine.

Kristine Dorrain: Hi, thanks. This is Kristine. So I'm going to be devil's advocate here for a second. I firmly believe and agree that we want to ask non leading questions and we want to leave the questions open ended. I believe that I've been pretty clear about my stand on that.

Here's my concern, if you look at the actual charter question that we're supposed to answer, we need to say yes or no, "Does registry sunrise or premium pricing practices unfairly limit the ability of trademark owners to

participate during sunrise?” That’s the question we need to ask. If a person answers the question with well, why didn't you participate?

Well, my management told me not to, you know, 15 different reasons, we don't like the gTLD program, we don't think the gTLD program is going to be successful.

You know, you could get a bunch of different reasons that don't say the magic word “price” or “cost” or “fees” on that, right? Or if you do, you don't have any context for what portion of the fees was a problem. So I feel like there’s maybe – and maybe we just leave it worded as it is and let the survey designer figure it out.

But I think we have to get an affirmative answer to the question yes or no, was price of sunrise names a limiting factor for you and your company?

And I’ll just go again and say, you know, when you get a company the size of Amazon, I can tell you we do not remember the specific trademark prices we paid. We’re going to have get a data analyst to go back in and dig it up. And when you go back to Lori’s concerns about the INTA survey, which we were one of the companies that could not finish the survey on, you know, because it’s going to back to dig up that data was just so cost prohibitive that we just don't have the resources to, you know, pull that data for a survey.

So yes, let’s be neutral, let’s not suggest the question. I’m very much in support of that, but I’m concerned that we’re not going to get to the actual answer we need which is, is price a problem, yes or no, unless at some point we say the word “price.” Just throwing it out there.

Michael Graham: Thanks, Kristine. And well I’ll see what Kathy has to say. Kathy, go ahead.

Kathy Kleiman: Okay. Then this is Kathy, of course. Then the magic word might be, following up on what Kristine said, then – and the link to the relevant charter question,

which is a really good point, the magic word might be how – how did price impact your ability to participate in sunrise periods or premium name price – premium name purchases I guess would be it.

Not do you believe there was unfair or premium price or, you know, we've got to get that unfairness kind of question out there and keep this open ended.
Thanks.

Michael Graham: Thanks, Kathy. It's Michael for the record. So I'm turning the page to 20 so that we can move ahead because I think going back I think Kristine is right, this is really a chunk of – number of questions trying to get at, you know, dig down at the same answer. And I think this first one on 20 might be amended to address what you were just pointing out, Kathy, and I think it would work.

So – and frankly, all of these do refer to price so this is where it is focusing on that particular part of the decision. So, "Was the price of registering in a" I'll rephrase it "registering a trademark in a gTLD a factor in your decision of whether to apply or not?"

Question mark. "If so, how did it affect your decision?" would be what I would add as the second follow up question to that and addressing what you had just pointed out, Kathy, so that we do dig down for that information. And yet it's open ended without saying this is what it is.

Then the second – next question would be, "In what gTLDs did you decide not to seek sunrise period due to price?" We had discussed whether or not there should be a sub question there of "What was the price you did pay?" And then, "If you remember the price, please indicate what it was."

I don't know if that's necessary or if that's information that we would be able to find out in following up on this. And then finally the final sub question there was, "Was the reason for the pricing explained to you?" which I think is an interesting question.

Kristine.

Kristine Dorrain: Hi, thanks. This is Kristine. First I'll answer Kathy's question in the chat, which is "Did we decide to delete the anecdotal question on Page 19?" I think I had suggested and didn't hear any disagreement that the sub question, "Do you think it was unfair or premium?" Is going to be deleted in favor of just, "Why?" But I think it really just does end right there anyway.

And so I think it's – I think it just dovetails right with this section so I suggest that we sort of just merge that right in with this piece right here.

And I'm going to suggest that we further neutralize or reword this data question to not just say, "In what gTLDs did you decide not to seek sunrise registration due to price?" I think you want to say – we already asked, you know, was price a factor and if so, how? And then I think going another step and say, "Did it encourage you to buy more? Did it encourage you to buy less?"

I mean, there may be ways to specifically get to the what TLDs you decided to participate in or, you know, like how and in what ways and what scope you participated without specifically saying in what gTLDs, because again with the specific price, the specific list of gTLDs you registered, I think one of the problems you get into is trying to get people to remember in what TLDs they were able to register and in which ones they encountered high prices.

So I think we need to like take this question just up one level to continue to get that how and why and what did you do information without diving too deep into specific TLDs while allowing users to input that information if they have it.

So if someone says I was you know, confronted with a \$250,000 bill for, you know, my brand dot, you know, whatever TLD, they should be able to include

that information, like this is hard data, hard information, they should be able to include that. But I don't know that we want to make the default question be list the TLDs, list the prices, that sort of thing. Thanks.

Michael Graham: So it's Michael for the record. Kristine, I wonder if that sub question that I was suggesting for that first bullet on Page 20 went along with what you were thinking or if it was too vague, so the question if we keep it, was, was the price of registering in a gTLD a factor in your decision whether to apply or not. Question mark, that's a yes or no answer.

The follow up question to that was, if so, how did it affect your decision? Put it like that, obviously it's going to be rephrased by the survey folks, but that would be to dig down, it doesn't suggest one way or another of looking at it, and sort of opens up to the possibility.

Now, I will admit that that is mixing a data question or a anecdotal question with a data question but I think that's where we're going to end up with some of these because what is the data question you would ask in that regard. So does that sub question go along with what you were thinking, Kristine?

Kristine Dorrain: Yes, this is Kristine. Yes, I do think that that helps a lot. I think that that gives people the space to – it lets us gather hard data while at the same time giving people space to share their stories and to share their user experience.

Michael Graham: Okay. And then the second bullet, my question there, so now it says, "In what gTLDs did you decide not to seek sunrise due to price?" Well again, I suppose they'll change the question because the first question is, "Do you recall in what gTLDs you decided not to seek? If so, what was the price that you decided not to pay?"

I like digging down for that information to the extent it's possible, as you say, Kristine, I suppose in some larger companies it may be difficult to go back and recreate that specifically. So I wonder if having that doubt means that we

shouldn't ask the question or it simply means that we shouldn't expect to get the answer from everyone. I'll put that out there.

And in some cases I think you want to ask the question and accept that you may not get the response from everyone as long as you allow them to go on, which was the real problem with the INTA survey – the fact that if you did not answer a question you could not go on. Here I think we would allow that.
Kristine.

Kristine Dorrain: This is Kristine. And I admit I am not a survey designer so I'm not entirely sure if what I'm about to suggest is even possible. But I have two different thoughts of that. I get what you're going at and I think members of this working group do want the sort of information, what were the prices people charged and, you know, how did that impact – or the decisions of brand owners.

I wonder if there's a way in a survey to sort of almost have a – I'm not going to say off ramp but side path that says, you know, if you want to deep dive and help us provide really, really granular information on TLDs and pricing and the impact, you know, click here and it'll like open up in a new window a sub-survey almost.

And I don't know, I mean, at this point I want to dictate to the survey provider how it would happen, but I mean, and I know Lori's actually on the call actually so maybe she can weigh in.

But, you know, not to take time from the main survey which we want to be as short and sweet and, you know, clear as possible, but to say if you're one of the people who are really impacted and want to dive deeper on this, you know, click here and it'll take you to sort of a sub thing.

Or, alternatively, you know, input a contact information which we won't link to the survey in any way, and we're going to contact you and someone will

contact you by phone to get more information. And I don't know if that would be something we would put in our notes asterisk to the provider or not, but I'd be totally happy to hear if that's something that people do in surveys. Thanks.

Michael Graham: Thanks, Kristine. And, Phil, I see your hand up but I'm not sure if it's yours or Lori's, I can't...

Lori Schulman: It's Lori.

((Crosstalk))

Michael Graham: Okay.

Lori Schulman: It's Lori. Hi, guys. We're tri-teaming today. So this is what I have to say about that. I think in terms of a follow up call later, that greatly increases price. So one of the challenges that we had is that we were also on a limited budget, we didn't have six figures to spend, we had well under that. So we had the cost constraint in terms of the implementation.

So I think to Michael's point or I think it was yours, Kristine, about possibly having – if you wish to answer in more detail, give an option that leads you to a different path, I think that's probably much more feasible.

And again, to Michael's point, for whatever reason, and this would have to be negotiated with the survey designer, when we worked with Nielsen, they felt very strongly about not allowing people to finish if all the answers were not complete. And there was a lot of back and forth about this.

And Nielsen, to my recollection, basically stuck to its guns in terms of validity of data but then as we all saw, the longer the survey takes, the more in depth the questions are, we lost 2/3 of our initial entrants because of this. And we've been slammed for this.

So I think it's something that we absolutely have to consider moving forward. And when we're speaking to the designers, if we're going to go this "if then" kind of route, that we make sure we build it into the pricing and understand up front if that's feasible. If it's not feasible, given the pricing limitations to be honest, I think that we are going to have the same data challenges that we had under INTA's survey.

Michael Graham: This is Michael for the record. Lori, thank you for that. And I don't want to say anything about Nielsen's decision or encouragement to include that. I do note that some of the surveys that I've reviewed for the CCT RT actually must have, and they were Nielsen surveys, must have permitted either a non-answer or an answer that was, "I'm not giving an answer" Because there were some various breakdowns in the numbers of respondents to the various questions.

So it was apparent that to me that not everybody answered every question so maybe, you know, the solution that we should have pressed Nielsen for for the INTA survey was, okay, well also provide the ability for someone to say, you know, I can't answer this question or I'm not answering this question and still be able to go on because I think it's still valuable.

I think the point that you raise in terms of the cost and the limitation on what we have to spend on the survey is extremely well taken, \$50,000 for surveys, and I'm saying that in plural because we are looking at plural surveys, is really, really low so adding something to this would clearly add a cost.

And the question might be whether or not staff wants to go ahead and do an RFP where we have a couple of possibilities to find out what the additional costs would be, you know, to feedback to us all. But, yes, that would be a difficulty although I like the idea.

Kristine, you want to go ahead?

Kristine Dorrain: Thanks. This is Kristine. And so thanks, Lori, and I want to follow up with thought that occurred to me as we're thinking about this idea of like what adds extra cost and you know, who answers all the questions, etcetera. You know, and this survey – and I don't know what the survey provider is going to do but if you think about sort of one giant survey and then you start where do you identify and that – that button takes you down a list of other questions based on how you say you identify yourself versus, you know, three or four separate standalone surveys, I have no idea what's going to happen here.

But I'm thinking of companies like for instance Amazon, that wears all of the hats. We are a registry operator, we are a registrar, we are a brand owner, we are a registrant. We possibly could answer the survey from four different perspectives.

We may not have the same person answering the survey from four different perspectives, you know, the working group may not want me to answer the question from four different perspectives. We probably want the experts in those areas to answer.

So as we're – this is just maybe just a bookmark for staff, but as we're starting to – and maybe the cochairs, but as we're starting to think about what this RFP looks like and what the cost is going to be, there needs to be I think given a little bit of thought up front as to the survey design piece including things like off ramps or follow up phone surveys or how the survey will be conducted to make sure that everybody gets, you know, participates in the ways in which they can participate and we get the data from the various, you know, system participants in their entirety, not just limiting, you know, Amazon to registry participation or limiting, you know, Expedia to brand owner participation.

So I think that – I think that that's one of the things that we're going to have to consider as we're not only going through this question design process, but in

the provider selection process. And I wanted to drop that bookmark in there because I know we're starting to think about providers now. Thanks.

Michael Graham: Great. Thank you, Kristine. I think that's good to point out the bookmark. Just wanted to finish up this Question 2, the last of the data questions, and I will have a comment on it after I read it. And it reads as follows: "

Are you aware of any other trademark registration owners who have decided not to apply to register their trademarks as domain names during sunrise periods due to the price of registration?" Question mark. "If so, how many of these trademark owners are you aware of?"

Query whether or not that is not only anecdotal but also so disconnected from being able to be certain of the rationale for not registering that it really would be – what are they – fake news, let's say. I'm leery about asking this question at the same time, if we wanted to ask it I think we should move that question over to the anecdotal questions. Kristine.

Kristine Dorrain: Hi, this is Kristine. Yes, this is at minimum an anecdotal question but I do not support this question as I don't think we want to – there's already enough problems with getting anecdotal question without adding hearsay to the mix, so thanks.

Michael Graham: Thanks, Kristine. It's Michael. And I was not going to use that term but since we all understand it, I agree. So unless there's any objection I would say let's remove that question from the data questions.

I don't think it really leads to good useful, you know, positive information that isn't going to create a reason for challenging the results, so great. And I don't see anyone disagreeing with that so we can do that. And then let's see, do we only have five minutes left on the call, Mary?

Mary Wong: I'm afraid so, Michael.

Michael Graham: Oh. I don't know if I should even start with Question 4 here, let me look.
Pretty huge. The only thing is I can say is this, I think going back between now and our next call, which I presume would be next week, I will go back and taking in and perhaps staff can assist in this, taking in the comments that have been made today, take a further look at the data questions in particular to ensure that the terms that are included there are not prejudicial terms, one way or the other, just to make sure that that is reviewed and also if there's any replacement of questions such as this last question out of Question 2.

I would want to prepare that though as a redline so that it'll be clear what changes between this week and next were made. Does that sound like something we could do, Mary, perhaps we can work together on that?

Mary Wong: Hi, Michael. This is Mary from staff. I'm going to defer to my colleague, Ariel, because she's basically been the staff member who's been doing the Google Doc for us. So, Ariel, I don't know if you have any thoughts on preparing it as a redline.

Michael, what we could do – the functionality on Google Doc is somewhat limited for that is we could – we could take this section that is just the brand and trademark owners section, put that into a Word doc for you to edit and then, you know, we can put the new edits into the Google Doc – I'm just rambling so I'm going to let Ariel chime in. Ariel, do you have a sense of redlining in the Google Doc?

Ariel Liang: Hello, everyone. Hello, Michael, this is Ariel from staff. I can certainly apply the other changes, suggestions, comments as redline on the Google Doc. And in fact I already did that for the previous – the Section 1. And it's the edits are all in red line even I have added (unintelligible). So you could see all the changes applied to the original comments.

Michael Graham: So that is possible in Google Docs or is this something we have to take it out into Word to do?

Ariel Liang: This is Ariel again. It's possible to do that in Google Doc. And everybody have commenting rights so that means if you change the wording on the document directly it will show as redline.

Michael Graham: Okay, great. So I would be able to make those changes in the doc that you'll send out with the revisions that we've made today?

Ariel Liang: This is Ariel again. Yes, I will do that and I will try to do that today.

Michael Graham: Okay, this is Michael. Thanks. That would be excellent. And I think that's fine. Anyone else have any other points? So the work task way forward will be a brief revision of this – review and revision which will have to take place over the weekend so that by Monday you all and the other members of the working group will have those proposed revisions to the rest of Section 3.

And then next week we'll hopefully – hopefully – finish going through Section 3, and I think having had these discussions hopefully we can move relatively quickly through that.

But I'm really appreciative of all the comments today. I think even though we recognize that these questions are going to be revised when we go to an actual service provider, I think it really will help in the end if we are as specific as possible so that when we have questions from the survey designer we'll be able to say this is what we were trying to get from that rather than having to go back to the committee as a whole to discuss. So thank you all very much. If there's nothing else I think we can probably end the call and end the recording, Mary.

Mary Wong: Michael, just one quick point from the staff side, and we don't need a decision but we note that we will schedule a call for next Friday, our question is

whether the sub team would like to do another call the following Friday recognizing that a lot of people are probably going to prepare to take off at that point in time, so the question is one or two more meetings for this sub team before the end of the year? And hopefully, as you noted, we can at least try and complete this section even if it's one meeting. Thanks.

Michael Graham: Yes, on that I would be available for both of those meetings even though I'm hoping that the second Friday – so that would be on the 15th and then the 20th – the 15th I know I'll be part day - 20th I don't have travel plans, but Kathy, did you have a comment on that proposal?

Kathy Kleiman: Yes, Michael, we had talked last week that setting a time for next week might be something we might want to do. People are in – a lot of people have holiday parties that are starting. I know my firm has its party next week at this current time because we go to lunch for the holiday.

So we may want to move it earlier or do another Doodle poll. I know moving the time around is hard and especially – and then for both weeks we're going to have that issue with holiday parties coming up. Thanks.

Michael Graham: Thanks. What was the time that this one started, was it 1730 or 1930?

Mary Wong: This is Mary from staff. We had suggested – this time is 1730 UTC because an earlier time may be difficult for folks on the West Coast or some folks, any later than that is difficult for people in the European region, so we didn't get any objections to 1730. I note that we will take this question to the list. So what we could do is hold off scheduling even for next Friday until we get confirmation from people whether there is actually a better time than 1730 at least for next Friday.

Michael Graham: Right, and this is Michael. I think let's take it to the list and find out – get feedback on that. I'm on the West Coast, I would be able to call in from AAM on that Friday if that means that we're going to get a group of people, but I

would certainly go with whatever time will get us the most people next week and then also we should canvass and I suppose we can canvass next week or maybe in the same email whether or not we should have a call on the 20th.

Mary Wong: Will do, Michael. Thank you.

Michael Graham: Yes, Kathy or Mary, do either – that was Mary – Kathy, did you put – okay, your hand is down. Great, so send that out. And all of – everyone on the call, thank you very much. I think we got some great ideas and thanks for teaming up there, Phil and Lori, appreciate your comments.

Phil Corwin: You're very welcome. Now we can go have lunch.

Lori Schulman: That's right.

Michael Graham: Yes, and I'll go have breakfast. So, Mary...

((Crosstalk))

Michael Graham: ...very much, staff.

Phil Corwin: Have a great weekend.

Michael Graham: You too. We can end the call and the recording now.

Julie Bisland: Great, thank you so much. (Kay), can you go ahead and stop the recording? Everyone, enjoy the rest of your day.

Michael Graham: Yes, you too. Bye now.

END