

**Consumer Trust Meeting  
TRANSCRIPTION  
Tuesday 01 May 2012 at 19:00 UTC**

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Participants on the Call:

Cheryl Langdon-Orr - ALAC  
Steve delBianco - CBUC  
Olivier Crepin Leblond - ALAC  
Tobias Mahler - Individual  
Jonathan Zuck - IPC  
Michael Graham -

ICANN Staff:

Julie Hedlund  
Berry Cobb  
Gisella Gruber

Apology:

John Berard- CBUC / GNSO Liaison  
Rosemary Sinclair - NCSG / WG Chair  
Carlos Aguirre - NCA

Gisella Gruber: Thank you very much (Tanya). Good morning, good afternoon, good evening to everyone on today's CCI call on Tuesday the 1st of May. We have Cheryl Langdon-Orr, Tobias Mahler, Olivier Crepin-LeBlond, Steve DelBianco, Michael Graham, Jonathan Zuck. From staff we have Berry Cobb, Julie Hedlund and myself, Gisella Gruber. Apology to note today noted from John Berard. I don't think I've left anyone off the list.

And if I could please also remind everyone to state their names when speaking for transcript purposes. Thank you. Over to you Berry.

Berry Cobb: Great. Thank you Gisella. Before we get started, I'd like to introduce Michael Graham to the working group. He just - he'll be submitting his SOI here in the next day or so. I - correct me if I'm wrong Michael but I believe you've been following the efforts of the Consumer Metrics Working Group and only decided to start participating here shortly. And so we welcome you and thank you for joining us.

Michael Graham: Yes. That is correct. I actually started following it at the behest of the Internet subcommittee of the International Trademark Association during the Costa Rica meeting and happened to be on the ground and was able to benefit from the various presentations and meetings there and came back and worked with the INTA in preparing our comments on the draft advisory.

So I'm glad to be a member of the working group. I hope I can add some insight going forward.

Cheryl Langdon-Orr: Welcome.

Steve DelBianco: Michael, this is Steve DelBianco. Thanks for what are definitely the most substantive and detailed comments thus far on our draft advice. And if the agenda accommodates it, it might be great to drill into that advice to see if you can answer some questions a few of us have about some of your ideas. Okay?

Michael Graham: Certainly. I can try or take those back and get the answers for you. Yes.

Steve DelBianco: Great. Back to you Berry.

Berry Cobb: Great. And just to bring you up to speed, basically Michael where we're at we're reviewing through some of the comments that were received in Costa

Rica. And our next session on the 15th we'll be reviewing - we'll be reviewing a summary analysis of the public comments submitted and any replies that are produced.

We'll basically be incorporating those comments and apply those comments where agreed upon for making changes to the draft advice letter. And then from there once we've completed the final version we'll be submitting it over to the GNSO Council for their consideration. So again welcome. You know, we're basically in wrap up mode for the most part. But we're glad that you're joining.

So from that perspective we have a pretty light agenda so far today and as I mentioned just to continue on with the comments from the Costa Rica session. We have about 70 minutes allotted to that. And I'll just run through the action items real quick and then we'll move over into the comments.

Basically from our last session there was discussion about reaching out to government contacts with respect to the consumer metrics and report back to the working group of any ongoing further in detail. Steve was going to try to reach out to (Heather) about a Webinar for the GAC and if they were interested in that. Does anybody have any comments with respect to those two?

Steve DelBianco: This is Steve. No replies from (Heather) or from Bruce Tonkin yet, which is the next item on there.

Berry Cobb: Great. And then the last one, which is for Rosemary and I'm not sure if I caught the name correctly or not. I mentioned to collaborate with (Richard). Is that correct that he's the Australia GAC representative?

Cheryl Langdon-Orr: Well it's not (Richard) that - yes. It's Peter Nettlefold.

Berry Cobb: Do you recall - I think I remember Rosemary saying a (Richard) but I don't...

Cheryl Langdon-Orr: Peter Nettlefold, Rosemary and I had a conference call with half a dozen of the Department of Broadband Communication, Digital Economy staff that he works with scheduled. I wasn't able to attend the call but Rosemary and Peter did go ahead with it. And as far as I know it went very well as a briefing.

Berry Cobb: And is his last name spelled N-E...

Cheryl Langdon-Orr: Nettlefold. Nettle as in the herb, fold, F-O-L-D.

Berry Cobb: Great. Thank you.

Cheryl Langdon-Orr: No problem.

Berry Cobb: And so lastly I think we'll go ahead and get started with continuing on with the comments. And if I recall correctly we stopped at the consumer section of the document that you see posted within the Adobe Connect session. So Steve why don't I hand it over to you?

Steve DelBianco: Thanks Berry. And I see you're displaying the staff's summary of the comments that occurred at the Costa Rica meeting in the public 90-minute workshop.

Michael Graham and those of you who are not on Adobe, you have access to Berry Cobb's - the Word doc that he has. It won't be constructive for you without seeing an outline of those comments. Does anyone need a copy?

Berry Cobb: Michael, I'll send one to you right now.

Steve DelBianco: Anyone else before Berry hits the send button?

Cheryl Langdon-Orr: I'm fine.

Steve DelBianco: Fabulous. While those come through, Berry did a great job. It's a two-page summary. Now behind that is an entire transcript of the 90 minutes. So from time to time we consulted that transcript. To get to that transcript I'll get somebody to put a hyperlink in the chat window. But it's accessible for those of you who are not in Adobe.

You'll want to go to the actual Costa Rica schedule to the Wednesday morning consumer trust - consumer metrics workshop. You'll see under documents will be a transcript of the meeting and that may be helpful to understand because staff has summarized what was said in Costa Rica.

Now given the time allotted here, it would be my guess that we got halfway through Costa Rica comments last time. But let's not use all of this time for that.

Given that we have INTA on the line, I think it would be constructive to divide our time between the Costa Rica comment discussion and then asking INTA for some details and clarifications on their comments. Any agreement or disagreement with that in terms of an agenda? All right. Good. I see one yes so we'll go with that.

So as Berry said, we made it through consumer trust and we were just on the word consumer. But Berry's got it right in the middle of the screen. And we had a comment in Costa Rica where they wanted us to distinguish between consumer registrants versus professional registrants.

And what is everyone's recall of that? There was a distinction they felt was important for the purposes of determining consumer. Because we said we don't make any such distinction in our definition. Consumers are actual potential users and registrants. Whether that user is paid to do it, that's professional, or doing it out of their own volition, we didn't believe was important.

So I'm going to turn to the transcript. Thanks Berry for putting that link up.

Berry Cobb: And this is Berry. Just to add to that, these two comments that are listed under the consumer definition, both of these were received through the Adobe Connect session. And as you'll find out in the transcript, the GPM group asked their specific question and Steve responded with a well thought out answer.

((Crosstalk))

Steve DelBianco: (Worked) for me.

Cheryl Langdon-Orr: It worked for me too Steve.

Berry Cobb: But the second question did come from Rudy Vansnick and we said that we would get back to him so I'm hoping that we can try to come up with an answer and I'll email him off list to see if that suffices.

And I just lost the network connectivity. So I may be in and out the Adobe Connect session throughout this session.

Cheryl Langdon-Orr: Does that mean you'll have a problem scrolling through our document?

Berry Cobb: Possibly.

Cheryl Langdon-Orr: When you get back on, can you give us the - thank you. Someone's given us individual control. Thanks - probably (gave through) if you weren't on Berry. Thanks. Julie can take control as well. Plenty of controllers. That was Cheryl for the transcript record. So sorry Steve. Do you want us to respond now to the consumer versus professional registrants or was your yes?

Steve DelBianco: It is Cheryl. We'd like to hear whether anybody here believes that we need - anyone in the work group believes that we need to draw that distinction in any

way by changing our definition or perhaps even indicating in the notes of our advice that we need to - that we mean both.

Cheryl Langdon-Orr: Okay. Cheryl for the transcript record then. I don't think we need to change our definition. But we may in fact with this need a footnote or a discussion point somewhere in the text. You see I'm immediately challenged even just by this language. A consumer registrant versus a professional registrant.

Where does one even draw the line between what makes a professional registrant? If I happen to run a portfolio with some 20 names, which for my clients and I get some form of (remuneration) or reward for doing that; for example, if they continue contractual relationship with me for example, does that make me a professional registrant versus, you know, I own 5475 million of them?

Now that will make an affect on our metrics. And we may need to be able to differentiate somewhere in the measures but I don't think it should make much of a difference beyond recognizing that there is a scale in the definition. But then I'm open to being convinced otherwise as well.

Steve DelBianco: Cheryl thanks very much. I just did go to the transcript Page 24. And when Berry read us the question, they asked us, GPM group said that the consumer definition didn't distinguish between professional and consumer whereas professional registrants are making registrations in the course of a business. And in many jurisdictions it wouldn't be considered consumers per se.

But I think it was more of a legalistic question that a professional registrant or a professional user would they still be considered in our definition of consumers?

Now as Berry indicated, we gave a very - what Berry thought was a great answer and it was a one-word answer. I said, "Yes." Yes they are. They're all in there.

And if we're all good with that, then we've answered that question. And at the most our advice would contain a footnote that it doesn't really matter whether the entity...

Cheryl Langdon-Orr: Yes.

Steve DelBianco: ...is a professional or an individual. It's about...

Cheryl Langdon-Orr: Or under what jurisdiction? What definition or what jurisdiction, et cetera, et cetera?

Steve DelBianco: And on the definition of consumer, Cheryl, I think it was you who wanted - and you and Olivier were impressed on the notion of a consumer. This is the top of Page 4 in our draft advice. And we said that the definition focuses not on the nature of the entity but rather on the role they're playing by using the DNS to do resolutions or to register a domain name.

Therefore entity can be regarded as a consumer including individuals, businesses, governments, non-profits, et cetera.

Cheryl Langdon-Orr: The whole damn lot. Yes.

Steve DelBianco: (Unintelligible). I really think that our existing advice is...

Cheryl Langdon-Orr: Is fine.

Steve DelBianco: ...sufficient and we probably don't need to do anything on this comment.

Cheryl Langdon-Orr: I wouldn't mind if you wanted to put a footnote in saying we recognize the scale because it has been raised in the questions. But I think...

Steve DelBianco: Now the question didn't actually go to scale. It simply went to the word consumer being applied to an entity (against really) a professional. They didn't ask about scale. You raised an interesting point about scale Cheryl.

Cheryl Langdon-Orr: Okay.

Steve DelBianco: But it wasn't part of this question that came about in Costa Rica.

Cheryl Langdon-Orr: It might have - it might have come at me from Olivier. I think that might have been raised in our ALAC and At Large discussion then. I might be...

Steve DelBianco: Well then please elaborate so I understand precisely how...

Cheryl Langdon-Orr: Well I think...

Steve DelBianco: ...could add something onto (this).

Cheryl Langdon-Orr: ...there was the issues of the - well, as you know, we have some amongst the At Large community who also see - can see the necessity as - we have obviously got in our definitions to not actually just be registrant but to simply be consuming the end product of the resolution. So we've got all that sorted.

But there is also the matter of whether or not large-scale registrants are in fact more on the industry side of the spectrum than they are on the end users side of the spectrum. My personal view and the view that I've pushed in specific TLD that I have a management interest in to - is the (domainers) belong on the end user demand side.

And they're just on a different scale. So it might have been I was answering that in that presentation and have linked it in with this, which I shouldn't have done so I shall hide now and have another...

Steve DelBianco: Don't ever hide Cheryl. You can't do that.

Cheryl Langdon-Orr: (Unintelligible).

Steve DelBianco: I just rescanned the ALAC comments and you're right, they're not mentioned in there. It's more along the lines...

Cheryl Langdon-Orr: No, they're...

Steve DelBianco: ...of definition of the entity and the role they play.

Cheryl Langdon-Orr: Yes.

Steve DelBianco: But Berry raised an interesting question in the chat because none of our metrics are counting consumers. We simply say the people playing the role of consumer as a registrant...

Cheryl Langdon-Orr: That's right.

Steve DelBianco: ...or user it's their activities that we track. So whether they are professional or individual, their activities are counted the same.

Cheryl Langdon-Orr: And I would argue - Cheryl again for the transcript record. I would argue that unless one needs to differentiate between a single or small group interest registrant and a commercially interested registrant, all of which are still consumers, and this is a drive to do that, which I don't see in our - either the resolution or in the affirmation of commitment.

The mission that is have the consumer trust, et cetera, et cetera, goes with new gTLDs, I don't think we need to differentiate. But if we did that, we'd have to do it in the metrics, not in the definitions.

Steve DelBianco: All right. Any further discussion on the GPM comment? Let's move to the next one. It was Rudy Vansnick. And their question was that - let me read from the transcript. It's a tiny bit clearer.

He said trust is a very flexible word and several definitions can be attributed. But at the end, what does a consumer get in return if they trust the other party? Suggest that you look at registrants - how registrants are handled by registrars and do they need different types of trust?

And we answered to Mr. Rudy, we said we'll take that on board and try to parse it a little bit later. And that probably would be now. How does one parse that and figure out what precisely they're after?

Berry Cobb: Steve, this is Berry. I'd just like to add to this that I mistakenly threw this under the summary section of consumer. But this was really asked within the greater discussion of consumer trust. So of course they kind of go hand in hand.

Steve DelBianco: Thank you. So from our advice when we talked about trust, if you remember our definition was - had to do with confidence.

Cheryl Langdon-Orr: Yes.

Steve DelBianco: Confidence about that the DNS would work reliably and that when we visited gTLD that ended in something .bank or a gTLD that implied a certain promise either explicitly or implicitly how much confidence did we have that the promise would be kept?

And we also suggested that it was trust that if I visit a domain in .bank would it be complying with ICANN policies and applicable national law. If I visited .poker for instance and I'm a U.S. resident, would I have confidence that poker was adhering to U.S. law for me a U.S. user? This is way outside of ICANN's scope per se but it all gets to notions of trust.

In Rudy's question he asked look at how the registrant is handled by the registrar. But that's...

Cheryl Langdon-Orr: But that's apples and oranges.

Steve DelBianco: Say it again please.

Cheryl Langdon-Orr: That's apples and oranges.

Steve DelBianco: Yes, I know because the registrant is handled by the registrar only at the time they're getting a domain name or maybe reassigning their name server or renewing.

Cheryl Langdon-Orr: (Unintelligible).

Steve DelBianco: So maybe they're getting at the notion of our registrants. We're getting end users for a minute. But our registrants handled by registrar in a way that fosters trust. Do we have any metrics that got to the notion of registrants trusting in registrars; for instance complaints?

Berry and the rest of you from staff, if registrants are unhappy with how they're handled by a registrar, how does that register in the compliance regime at ICANN?

Cheryl Langdon-Orr: Seems it's a compliance issue.

Berry Cobb: This is Berry. Certainly if they - if the registrant knew of the ICANN complaint system, they might submit a complaint via that route. I'm unsure of how compliance would act upon that. But another tangent could be is, you know, transfers and well.

I'm not saying that this is all inclusive but the whole reason for inter registrar policy is that if I no longer enjoy the services from Registrar A, I could easily transfer my domain to the better class provider, Registrar B.

But, you know, sorting through those kinds of metrics may be quite difficult to understand or distinguish which ones are due to a lack of trust from the original registrar.

Steve DelBianco: Do we have - would you explain again so ICANN maintains a complaint system that is completely generic. Anybody who wants to complain about anything can put it in. And is there a way to categorize - sorry Gisella, this is Steve DelBianco. Is there a way to categorize if there are complaints about how they were handled by a registrar? Anyone on staff help us with that answer?

Berry Cobb: This is Berry. I can review through the system. Of the top of my head I don't believe that there's a specific category for that type of complaint. Usually it would probably fall under transfers or one of the other types of complaints that ICANN does handle. But I'll look into that and get back to the working group.

Cheryl Langdon-Orr: It's Cheryl here.

Steve DelBianco: You know, (it brings to mind), none of our - none of our consumer trust metrics are looking at the quantity or seriousness of these generic complaints. We have several that have the word complaints but they're associated with UDRP, URS complaints RRDRP complaints. We do not have

a general category of the complaint box for ICANN. And if there is such a thing and Berry can discover if it's categorizable.

Jonathan Zuck: Well...

Steve DelBianco: And that's - maybe we do have a metric.

Jonathan Zuck: Steve, this is Jonathan Zuck. Can you hear me?

Cheryl Langdon-Orr: Yes Jon.

Steve DelBianco: Yes. Please go ahead.

Jonathan Zuck: Oh, yes. The current system is based on specific complaint categories, as Berry said, such as the transfer complaint. And so it's very likely that a report could be generated based on what subset of those complaints could be considered registrar oriented complaints even under the current system.

But that said, the entire system is going under a complete overhaul as we speak and more sophisticated ticket management systems, et cetera, being a set. So I think we ought to take a more green field approach to this and present these as requirements to the compliance team rather than simply limiting to ourselves to the system that's currently in place.

But I would argue that even the system as it currently stands has a set of categories and a subset of those categories are in fact attributable to registrars for example. But I think a more sophisticated system is in the offing already and we should just get our requirements as part of that requirements assessment that they're doing.

Cheryl Langdon-Orr: (Unintelligible) Cheryl.

Steve DelBianco: Thanks Jonathan. Cheryl, you hand's up.

Cheryl Langdon-Orr: Thank you. Cheryl for the transcript record. Two things. First of all I just wanted to mention to Berry that I think the ombudsman also has an early filter in his complaint system, which would be picking up some complaints about registrars.

Now he doesn't deal with those but I now it's a filter that's supplied early in the system. So that might be a metric that we could have access to. So sort of ask him as well. I'm sure (Chris) will be happy to play.

And the second point following on from what Jonathan just said. I think it could be really useful if there's a re-jigging of how the ticketing and nomenclature and everything, I wonder if at a not too distant future we might get a little briefing about what types of changes and metrics are possible that we weren't aware of in the existing system, what might be planned because it might be handy for us to know before we do our final recommendation.

Jonathan Zuck: I guess I'm - Cheryl, this is Jonathan Zuck again. I guess I'm suggesting that those plans are in their early stages now. So more than a review of what's possible I think we ought to be assertive in making requests.

Cheryl Langdon-Orr: Yes.

Jonathan Zuck: And then with few exceptions maybe being told that some of them are not possible. But that requirements analysis is happening right now in real time. So we ought to try to assert ourselves into it. It would be my suggestion.

((Crosstalk))

Steve DelBianco: Jonathan, this is Steve. So we might ask them that the fields that are captured with respect to a complaint would indicate things like the role the complainer was playing. Were they a registrant or user?

Jonathan Zuck: Exactly right.

Steve DelBianco: What contract party were they dealing with, registrar or registry? Might ask them what was the nature of their operation, registration or a transfer? And those three questions I just asked if those were the ways they categorized complaints, it would get to this particular comment from Rudy Vansnick.

We also might have to ask them though which TLD was your complaint in regard to.

Cheryl Langdon-Orr: Yes.

Steve DelBianco: I.e., was it a new or an old. We'd figure that out later but we would ask them which TLD.

Jonathan Zuck: Well it's already - there's already a field in the complaint system for the domain. And so deriving the TLD from that wouldn't be very difficult.

Steve DelBianco: Great. Now if we did that prospectively assuming they get this done in the next year, you would be able to measure say the quantity of complaints or the seriousness of complaints of new versus legacy TLDs. But you would not be able to track back against history since this categorization didn't occur with complaints that have been captured thus far in time. Is that correct?

Jonathan Zuck: Well, again I believe that the - again this is Jonathan Zuck. And Berry may know more. But I mean the - there are existing categorizations in the complaint system. What the system is currently missing is any steps after the initial complaint.

So all that can really be tracked into the path are the initiations of complaints, if you will, and not their resolution.

Steve DelBianco: Yes.

Jonathan Zuck: But at the initiation level there is a dropdown box that suggests what are you complaining about and what is the relevant domain name. And there's some information about use. I mean there might be some historical information that by applying some categorization to the existing complaint category that we could derive whether these were registrar complaints versus registry complaints, et cetera.

And the current complaint ticketing system does accept complaints that are outside the purview of the compliance system currently but again might be useful for data purposes in terms of assessing trust.

Steve DelBianco: And you did say that the - while you could back categorize the role, contract party operation and domain name, you don't think that the existing database captures the resolution of a complaint.

Jonathan Zuck: I know that it does not. The existing database is only the initiation of a complaint.

Steve DelBianco: All right.

Jonathan Zuck: The rest is all manual under the current system.

Steve DelBianco: Got it. So Berry, may I ask your assistance with you and staff? Let's capture this - that we ought to add - consider adding at least a new measure under consumer trust. Gets at the notion of complaints about registrar handling, you know, registrations and transfers in the new gTLD space versus legacy gTLDs.

The source would be ICANN's complaints database. And the difficulties are probably none noted as of yet. But somewhere in the notes we have to indicate it's mostly comparison between legacy and new gTLDs. It won't be

as easy to compare resolved complaints in the past because that data will not be available.

Jonathan, finally, do you have any insights about timing on the determination of the new complaint system?

Jonathan Zuck: They are pretty cagey about ultimate timing but they're in the middle of evaluation to more sophisticated ticketing system - full blown ticketing systems that would track through to resolution as we speak and expect to have the results of those studies within about a month.

And then there would need to be some installation of the system, et cetera. But I think, you know, I think realistically it's probably six months or something before they have a new system in place.

Steve DelBianco: I guess that wouldn't discourage us from putting the metric in here. (Unintelligible).

Jonathan Zuck: I think that's right and I think we should be requesting - making requests for specific types of (unintelligible) to be captured in the first place. And it could be, you know, taking it for what it's worth at the point at which it's evaluated. You know, it might not be enough data to be specifically significant but it still will be interesting totally.

Steve DelBianco: Yes. Berry's noting we don't have a compliance team member on the call today. But Berry, I appreciate your help at reaching out to them. The (unintelligible) that Rudy had asked us about complaints about registrars that registrars domains that are both legacy and new. And if a registrar is sloppy in handling transfers, I wonder whether it makes a difference whether it's a new gTLD or a legacy gTLD.

Cheryl Langdon-Orr: May not.

Steve DelBianco: You know, it may not. Right Cheryl?

Cheryl Langdon-Orr: Yes.

Steve DelBianco: But we'll wait and see. All we can do is suggest that this is a metric and it makes sense to do that. Any other comments on that item from Costa Rica.

Jonathan Zuck: Yes Steve. The other issue is whether or not we - we're focusing on registrars. But it could very well be that part of what we want to do is ensure that registries are part of the complaint system going forward. That - some interest has already been expressed about that.

And so, you know, under the new gTLD system there might be a different set of categories of complaints that aren't even currently captured that have to do with registries. And in that context the decision between new and old TLDs would become significant.

Steve DelBianco: That's a great point. So let's have at least two rows. Right. One row would be measuring the incidents of complaints about registrars handlings and another about registries. We did say that the data fields in the complaint system would include the contract party they were dealing with.

Jonathan Zuck: That's right.

Steve DelBianco: That would allow us to distinguish.

Cheryl Langdon-Orr: Cheryl here Steve.

Steve Delbianco: (Go ahead) Cheryl.

Cheryl Langdon-Orr: Thanks. Cheryl for the transcript record. A couple of things. First of all I like where this conversation and the metrics concept and adding it in and sounds like a bit of serendipity in terms of good timing, which is great.

I wonder though can perhaps it be of value Berry if more than just having a compliance member on the next call and an interaction from our questions today.

I'm wondering if we might not need a very much a single purpose discussion with compliance at whatever level it takes about getting them to look at our current metrics, our aspirational metrics and making sure they understand what we're all about and we understand what the possibilities are before we close off on this report and final recommendations. It seems like an opportunity too good to miss.

Second to that coming back specifically to Rudy's question, I think in terms of response to Rudy's question Steve I'd like to suggest that what the consumer gets in return if he or she trusts the other party, that part of the question will be (assurity) under our definitions or failing that a measure that will show that that system is not trustworthy; something along those lines.

So basically if the trust is a value proposition and the trust is workable, then they get (assurity) under a definition of what trust means. If it is not workable, then we are measuring that and we can only assume that there is as a response from the review teams chewing through this data that later on will be some recommendations. I think that's all we can say to him on that question.

Regarding the second part where he uses the example and brings in the registrars, I think we need to be really, really specific that what we say we can do is what we've done in this conversation here today. And that is look at how can better capture metrics going on in the new gTLD world that will measure whether or not this trust value proposition is working at the registry-registrar level.

I don't think we can - we need - if we're not really specific, we'll get into the murky areas of how happy people are with their registrars and that I would like to keep really and truly away from. That's where we're going to get apples and oranges and disappointed and frustrated consumers have a habit of bringing the whole bag of stuff to the table instead of working which is the table for sushi and which is the table for soup.

Jonathan Zuck: Well and I - Cheryl, this is Jonathan Zuck again...

Cheryl Langdon-Orr: Yes.

Jonathan Zuck: ...for the transcript. Briefly Berry, Paul Redmond is the new hire over there in compliance who would be the perfect person to get onto a call with us...

Cheryl Langdon-Orr: Right.

Jonathan Zuck: ...to discuss specific data capture and report requirements...

Cheryl Langdon-Orr: Perfect. Right.

Jonathan Zuck: ...for compliance. Paul Redmond's the person they just hired for that. But Cheryl, I guess the point that you also inspired though is that ultimately the new gTLD program has a goal to actually overall increase competition choice and consumer trust.

And so it could be that we don't always need to be making a distinction about whether or not there's more trust in the new TLDs than there is in the old ones but that whether or not there's some delta in the, you know, overall level of complaints and things like that might be an interesting statistic that is...

Cheryl Langdon-Orr: Yes.

Jonathan Zuck: ...a function in theory of more competition requiring people to be, you know, better contracted parties overall because there's more new entrants, et cetera. I mean that's part of the idea behind this.

Cheryl Langdon-Orr: They have choices.

Jonathan Zuck: It might be interesting to track the results overall as well...

Cheryl Langdon-Orr: Absolutely.

Jonathan Zuck: ...of whether or not the complaints as they - as a percentage or something like that have gone up or down generally and not even dumped in old or new gTLDs but overall as a result of the new choice in competition that was brought about by the program. Right.

Cheryl Langdon-Orr: And as you see - Jonathan, Cheryl here.

Steve DelBianco: Cheryl and Jonathan, I...

Cheryl Langdon-Orr: There's a great big check from me on everything you just said.

Steve DelBianco: And yet Cheryl, you were cautioning us as to setting targets for complaints. And on the other hand you were ticking off the idea that we'd be sure that the systems that are designed in compliance can capture the data necessary to assess satisfaction.

Cheryl Langdon-Orr: Yes.

Steve DelBianco: And those are not inconsistent but they are not the same thing. If compliance is building a system that can categorize properly, we can encourage them to do that. But our mission was not only to define these phrases but to set freer targets.

Cheryl Langdon-Orr: Targets.

Steve DelBianco: So we can elect to help define that they ought to capture in their complaint system the following four fields. We can elect whether or not to also set a target comparing the new gTLD space to the legacy space for instance one no greater than the other.

Another target is the number of complaints per number of thousand registrations would be lower in the new space than it is in the old or that it would drop over time.

So our decision to endorse the capture of data is separate from our recommendation that ICANN set a target.

Jonathan Zuck: That's right.

Steve DelBianco: So clarify for me Cheryl. Were you suggesting that we not have targets in areas like registrar or registry complaints?

Cheryl Langdon-Orr: No. I was suggesting that when we do set targets for the registrar and registry complaints that they are clearly relating only to the aspects that we want them to in terms of what our mandate is. I don't want to get the complaints that they don't have it - they don't have their - they have - let me use a silly example for you.

I don't want the complaints that come through the organization that's all about visually impaired, right, that the font size on line of the contract details is too small getting mixed up with these metrics. Do you see what I mean?

Steve DelBianco: That would - that might be unavoidable if we simply counted the number of complaints that came in.

Cheryl Langdon-Orr: Exactly.

Steve DelBianco: And they happen to have a lot more complaints about the new TLDs than the old.

Cheryl Langdon-Orr: And we're heading into a multi script world. And if the, you know, the (far) field of the, you know, (Swahili) script people think that the dot's in the wrong place or whatever, I don't - you know what I mean? We need to be aware (unintelligible).

Steve DelBianco: If we observe that whatever the nature of the complaint if there were more complaints for 1000 registrations in the new space than in the legacy space...

Cheryl Langdon-Orr: That would be bad.

Steve DelBianco: Well, I think so. I think that's something we can assess the rate of complaints in the new versus the old without even caring what the nature of it was because some of it could have been folks who were worried about small fonts.

So there are many times that this group has set a three-year target to say that three years out...

Cheryl Langdon-Orr: Yes.

Steve DelBianco: ...X in the new TLDs should be better than X...

Cheryl Langdon-Orr: You're right.

Steve DelBianco: ...in the legacy.

Cheryl Langdon-Orr: Okay Steve. Steve I'll retreat on this one and I'll tell you why. Because I hope I'm around in three or four years and then I can argue for the non-parametric analysis that will need to be done on it.

Steve DelBianco: All right. And I hope that Jonathan will make sure that we capture the right data because he's working...

((Crosstalk))

Steve DelBianco: Capture the right data to know which parametric elements you need. Okay. Okay. So it's new versus legacy is really all we're going to say. And...

Cheryl Langdon-Orr: Yes.

Steve DelBianco: ...we can't just be the raw quantity of complaints. It has to be a rate of complaints so the denominator for registrations would be domains I guess in both cases. So the rate of complaints per registration in the new space compared to the rate of complaints per registration in the legacies. Is everybody onboard with something like that?

Michael Graham: This is Michael. I had while we were talking gone on to take a look at the complaint form, which is actually posted I guess on internic.net.

Man: That's right.

Michael Graham: And at least the (radial) controls are fairly specific with the types of complaints that are being submitted. So while there's - I agree both a bulk sort of how many complaints are there shows sort of a general. I think it looks like from this that even with the legacy domains there is a tremendous breakdown that we could utilize to determine those complaints that have to do with trust versus other types of complaints in the system.

And it's certainly something to look at both as it exists now and as you're all talking with the new system that they're developing. But it looks like it already exists and they must have some record of the breakdowns of those, you know, historically that could be utilized and perhaps some metrics could be

composed. Perhaps it's a ratio of false address complaints as opposed to, you know, small type complaints, that sort of thing.

Cheryl Langdon-Orr: Okay. And we certainly don't want every, you know, Port 40 complaint on the registrar messing it up either.

Berry Cobb: This is Berry. And just to add to that, Michael, you're very right. There are specific categories that are identified on the form. I think the main issue with this as I think I recall from (Maggie Serrad) and some of her previous presentations is the integrity of the data.

Jonathan pointed out that this is just an initial complaint system and everything else is manual behind that. So if a user comes in and selects that it's a spam abuse issue that they want to complain about and it really turned out that it was a registrar customer service issue, they - I don't believe that there was a process in place with past complaint that they would go and change the category of that. So the integrity of the data is probably hit or miss. Not to say that it can't be done but integrity is the issue.

Michael Graham: Well which may not have a great effect insofar as to measure that we're making I don't think is the actual number of complaints correctly placed but the number of consumer complaints based on their experience, which since we're looking at consumer trust, consumer choice, whichever that's really the measure even if it's an incorrect, you know, placement.

If they're making the same incorrect, you know, choices at this superficial level, we're not looking I don't think to make any empirical decisions to correct particular types of problems but merely to take a measure of the effect of rolling out the new gTLDs as perceived by consumers.

So yes, I think, you know, if we wanted to be specific we would have to go that second level. But certainly if we're measuring the same confusion among

consumers whether this is fishing or farming, we're going to have the same confused consumers in both sets. So it's still a valid measure.

Steve DelBianco: That argues for - Michael, this is Steve. So I think you're agreeing we do want to measure the relative rate of complaint incidents both at the registrar and registry level and compare the new to the legacy gTLD. You're pointing out that the subtleties that will be missed by such a raw measure but you're still supporting the idea of having those two new metrics in target.

Michael Graham: Correct. Yes. Right.

((Crosstalk))

Steve DelBianco: ...the next one. Anything else on that? The next one was Andrew Mack who does a lot of - this is Costa Rica under consumer choice now. Andrew Mack asked about outreach program. We don't have any metrics in there to say that ICANN's outreach program work.

The discussion there involved partly answers that those of us gave upfront. Jonathan Zuck weighed in. And (I) deflect the question over to Bruce Tonkin. And the discussion focused on the notion of what outreach would be. There's certainly one outreach that happened over the past year and that was the outreach of ICANN to tell potential applicants that they could apply for a new TLD.

And that outreach program - I guess that will be judged by virtue of whether applicants knew about it and got their application in over the next two weeks. It will all be over. So three years out - measuring outreach three years out and awareness for applicants strikes me as a - an idle venture.

On the other hand the other outreach is to tell registrants - and they're picking their TLD that the registrants have an awareness, that there were lots of new choices three years out. So rather than invent a new metric I looked into our

table under consumer choice and the third row in our table of consumer choice is a survey.

Cheryl Langdon-Orr: Yes.

Steve DelBianco: And that survey can simply be asked. It's a survey of registrants and users to test the clarity in terms of the gTLD registry benefits and restrictions. That same survey might - the Question Number 1 on that survey might be were you aware that ICANN had launched and permitted new TLDs in 2012, 2013.

And use that data to support a question of whether our outreach program had been sufficiently informative. And having said all that I'll just close by saying that if I applied for - whether I got applicant support or not - if I applied for a new TLD and I was running it in 2015, you know what, it strikes me that the outreach to potential registrants and users is my job not ICANN's.

If I have launched dot Bicycle, or BiciCletta in Italian, I would be the one spending money to get bike shops to register and to direct traffic to my users. I don't think that's ICANN's job. So it doesn't measure ICANN but it does measure whether the program was sufficiently communicated to generate awareness.

So my bottom line conclusion is we just add a question to the survey on user and registrant awareness of the new TLDs under Survey Number 3 under Consumer Choice. Take a queue on that.

Cheryl Langdon-Orr: Cheryl here. Big green tick from me.

Steve DelBianco: Great. All right our next one is one metrics. Now Chuck Gomes brought up the question on metrics - and we knew this would happen; in fact Michael Graham asked me about it in Costa Rica - where we came up with this idea of equating sunrise registrations to defensive registrations.

And everybody knows that it's not a perfect analogy, not a perfect indicator of defensive registration. And we acknowledged that right from the get-go. And it will provide false positives and it will have false negatives. And I think our goal to doing so - and we're going to have to deal with this.

This may be the single largest category of work we'll do refining our draft advice for the next round is to clarify what we mean by trying to assess registrations that were done for defensive purposes versus non defensive.

And you guys who have a chance to look in the transcript we're all the way down to Page...

Cheryl Langdon-Orr: Thirty-six says Berry.

Steve DelBianco: Thank you. Thirty-six - Page 36 of the transcript before they get into the discussion. Now Chuck is with the registries; he's with VeriSign. So the registries did submit a detailed set of comments. And they did get into this in a little bit more detail.

The question for this group is do we need to discuss further the need for us to qualify the defensive registrations and sunrise registrations are just rough approximations; they're not meant to be precise. I'll take a queue.

Michael Graham: Hey, Steve, I'm sorry, it's Michael. I don't understand quite the question that you're asking specifically.

Steve DelBianco: Thanks, Michael. And I know that INTA was really keenly interested in this notion of defensive registrations. And in your instance INTA believes that sunrise is an inadequate measure for defensive. Chuck Gomes thought that it was a over-counting of defensive registrations as a percentage of total.

For instance Chuck Gomes had said that if a registrant picks up an IDN version of their domain name and an IDN version of Com then that brand

didn't register for defensive purposes; they registered to gain use and traffic from users and registrants in that new IDN script.

So a trademark owner can step into the sunrise period and do things that are sometimes defensive and sometimes genuinely creating new choices...

Cheryl Langdon-Orr: Yes.

Steve DelBianco: ...for users. How do we make that distinction, Michael?

Michael Graham: Right well...

((Crosstalk))

Steve DelBianco: ...go ahead.

Michael Graham: That is in fact - this is Michael again - that is something that we discussed. And the great concern is the fact that trademark owners will register in the sunrise period regardless of whether it's a purely defensive or purely new site type of use. And they will do so because that is a safe time for them to get their trademark registered.

And so just having that blank whether or not it's registered during the sunrise period really does not reflect whether or not it was a defensive - or split the word - offensive registration of that particular domain name.

One thing that we looked at - and I believe it was - it's in our comments, I don't have them right here, is to look at what happens - and this would require something more than just a mere measurement - what happens with those sunrise period registered domains. Do they simply resolve to an existing domain or Website or do they resolve to a new Website or are they a blank wall?

Steve DelBianco: Michael, just to quickly interrupt, you realize that is in fact the third row under Choice? We started with the gross measure of sunrise over total but then we very quickly transitioned to say do a detailed look at how it resolves.

((Crosstalk))

Steve DelBianco: Michael, speaking of the third row down. I think you guys, in your INTA comments, noted that as well. And that leaves me wondering whether you - are you arguing that we should get rid of that gross top line measure of sunrise divided by total; simply wait three years and look at the redirects. I'll wait for your answer.

Michael Graham: Yes, I'm trying to take a look to find - this is under the Consumer Choice chart?

Steve DelBianco: Exactly, Michael. The first row just as a gross snapshot of the zone at the end of sunrise and then three years out take a look at the zone, dot Bank, dot Bike, dot Shop. And say in dot Shop it turns out that 85% of the registrations in dot Shop three years out were ones that were made during sunrise.

So that meant that trademark owners - because they're the only ones who can do shit during sunrise - so trademark owners were the - by far the dominant number of registrants in dot Shop. And we think that is an indication that it didn't create lots of new choices because we argue that people that are in the trademark clearinghouse database and eligible for sunrise almost universally already have a domain name registered in another TLD.

And you at INTA would be able to validate that. Is it true that to get in the trademark clearing house it's almost certain you already have a domain name somewhere else? Have an answer for that?

Michael Graham: Not definitive. I would imagine that certainly a vast majority of people going into the clearinghouse will have some sort of domain name out there.

Steve DelBianco: Does anyone on the call - staff or otherwise - have an insight into that one?

Cheryl Langdon-Orr: Nope.

Michael Graham: And you're looking at - I'm just trying to be clear, Steve, you're looking at the measure that reads, "Survey a sample of duplicate registrations."

Steve DelBianco: That's right, Michael. That's the third row. And the second row above it where they had the same domain name in a legacy TLD. So it's really the second and third row on Page 10 that start to get to this notion of how it was used not just...

Michael Graham: Right.

Steve DelBianco: ...who did it and when. Because you bring up a great point that the sunrise is a good opportunity for a trademark owner in the clearinghouse to go ahead and grab their domain name. It's a no-drama way and there might even be special pricing, who knows.

So you make a great point about that. So I hate for people to get too focused on our first row and worry that it over counts and under counts. When in fact our second and third rows on Page 10 get to the notion of how it's used, which was I think your point all along.

Michael Graham: Yes, I think that is it.

Cheryl Langdon-Orr: Cheryl here, Steve.

((Crosstalk))

Michael Graham: ...I think we looked at this in INTA and you'll note that in our response we had a note that it removes this. And in some of these cases allowing what we

might believe were incorrect figures for really testing, you know, would cut both ways in reflecting whether or not the program was successful.

In this - the only question that I would have - and I'm looking at this with a fresh eye - is these duplicate - the fact that there are duplicates I suppose would be reflective of even though the trademark owner has both of these domains, SLDs in both of these domains and even though they are actively searching for it - consumers to use those the fact that they are duplicate sites - and I guess that would be duplicate sites not only that they're present there but it's the same site in the two places which would require some sort of review of them.

Yes, I'm just measuring the fact that if they were just duplicates then having the new domain obviously does not increase the choice it's just duplicating it.

Steve DelBianco: And that is exactly what we - that is exactly what we were saying is that that was probably not indicative of the registrant's exercising of beneficial choice. They simply had to do a registration by necessity to stop someone else from getting it; not to gain traffic.

So I think that INTA supports that sentiment of where we were headed even if I think the - when I looked at your table comments, folks, the INTA comments had two parts; they had a few pages of text but you must also read their table. They took our actual measure's table and attached notes and edits to it.

Michael Graham: Right. And the note on this was this would appear to remove from computation information regarding registrants that have a policy of cross-registration of domain names and trademarks. Again identifying who would have that policy would - that would be a whole another level of analysis that would make it very difficult.

Steve DelBianco: I'll bet staff is glad to hear you say that because they'd rather not have to go that far. So when we come up with very high level measures like this we realize they are imperfect; they could over count or under count.

Michael Graham: Right.

Steve DelBianco: And to be conservative then we don't want to set really aggressive targets because if we use a rough measure we should have a generous three-year target so that we don't end up being over-critical of the new gTLD program.

And I think the INTA comments on this one - with respect to sunrise you thought that the percentage change should be considered indicative of the degree of success. So I think you're agreeing with us if - that the 85% of post-sunrise does make sense.

You are saying that proxy and privacy registrations should be counted because whether it's Coca-Cola or a bank when they do registrations sometimes they may do proxy and privacy. And if they get it in the old...

Michael Graham: Right.

Steve DelBianco: ...legacy TLDs they'll do it in the new. And it probably isn't necessary to count them - to discount them.

Michael Graham: Right. That was our feeling with that.

((Crosstalk))

Steve DelBianco: You see where it gets us into trouble is the third row because we were going to look at duplicate registrations in new TLDs and then try to determine from the Whois data whether the registration is still maintaining the same domain name in a legacy gTLD.

And if we were to use Whois data for that then proxies and privacies wouldn't help us. But if we do an online survey we won't use Whois data. And I'm speaking of the third row on Page 10 under Consumer Choice.

Michael Graham: Well, I mean, what is the likelihood that the same - I would think it would be likely that the same people who are using privacy or proxy in the on would do so in the other if it's available.

Steve DelBianco: Right but that means we can't walk down the Whois tree...

Cheryl Langdon-Orr: It just gets culled from the...

Steve DelBianco: ...to determine if it's really the same registrant.

Cheryl Langdon-Orr: That just gets culled from the data set. Cheryl here.

Steve DelBianco: Cheryl, you're exactly right. We had thought we were just going to dump them out and not even look at the proxy...

Cheryl Langdon-Orr: Yes.

Steve DelBianco: ...and privacies. And that was what we put in our draft advice. And INTA was asking us oh don't, you know, don't dump those records.

Cheryl Langdon-Orr: Yes.

((Crosstalk))

Cheryl Langdon-Orr: I maintain we have to dump those records and that's just tough.

Steve DelBianco: And, Michael, what's your response to that from INTA?

Michael Graham: Well at this point, I mean, we felt that they should be in there because that doesn't affect the fact - the existence of these sites. If what you're saying is that not only would these references be dropped but they would be dropped on both ends so that any...

Cheryl Langdon-Orr: Yes.

Michael Graham: ...analysis would exclude those entirely then that might be a different point that I could go back and see if that would satisfy. Again it's just we're not looking at specifics we're looking at the generalities of this.

Cheryl Langdon-Orr: Yes...

((Crosstalk))

Michael Graham: But I think the concern would be that we would be dropping this and somehow that would also affect the analysis.

Steve DelBianco: Yes, the first row on Page 10 we don't actually compare it to the legacy space. It's a very raw general measure that says - Berry Cobb and staff would take a snapshot of the zone for a given TLD on the day their sunrise ended. And they'd have a number. And that number would be the quantity of registrations that happened during sunrise, let's call it 10,000.

And then three years later how many registrations are in the zone? Answer: 100,000. Well in that case it well exceeded the target which was to say that 85% - our target, 85% of the registrations would have occurred post-sunrise. Because 90,000 out of 100,000 occurred post-sunrise so clearly it wasn't just trademark owners rushing in there to get additional domain names. You know, the vast majority of registrations were not in the trademark clearinghouse database, not running in the sunrise period.

Now I realize that trademark owners may not jump into sunrise; they may just wait. And if they feel the need later on for defensive purposes or offensive purposes then they would register. So I realize not all trademark owners will rush into sunrise.

Michael Graham: Right. Let me take back the question on privacy and proxy and also the point that you were making about dropping that. And the reason for that would be that it cannot be cross-checked...

Cheryl Langdon-Orr: Right.

Michael Graham: ...on the other side.

Cheryl Langdon-Orr: Yes.

Steve DelBianco: That's kind of the need. But we don't cross-check on the first row but it turns out that when you really examine this hard it may be that we could count them on Row 1, which is the sunrise divided by total because it probably doesn't matter.

If Coca-Cola and a bunch of trademark owners used privacy and proxy registrations...

Michael Graham: Right.

Steve DelBianco: ...they're still guys who registered during the sunrise. I guess it really doesn't matter.

Cheryl Langdon-Orr: It matters less.

Steve DelBianco: It matters less, right, Cheryl. I mean, so I could capture...

Cheryl Langdon-Orr: Yes.

Steve DelBianco: ...I could say that INTA has a very good point crossing out the do not count proxy and privacy on the first row.

Michael Graham: Well and actually now that I think of it, I mean, in order to participate in the sunrise you're going to be in the TMCH...

((Crosstalk))

Michael Graham: I do not know how deep the information is going to be public in terms of ownership. But it seems to me that it would be extremely difficult to be - to participate in sunrise for which you must have both the TMCH actualization and verification so actual use and not identify yourself.

It may be an entire non issue according to - well we don't know what - TMCH is going to be set up to reveal at this point. But do you see what I'm talking about? I mean, it may be...

Cheryl Langdon-Orr: Yes.

Michael Graham: ...a non issue.

Steve DelBianco: I do. And then with respect to Row 2; Row 2 on Choice said that we were going to measure the relative share of registrations that already had the very same domain name left of the dot in a legacy TLD. And for that measure we said we would count all registrations that redirect to a domain in the legacy TLD.

So delbianco.bicycle or delbianco.shop was already present in delbianco.com. Delbianco.shop registration record simply redirected to the delbianco.com record. And if that were true we were concluding that is a redirected registration and that if redirected registrations were more than 15%

of all registrations in a new space that we thought that was an indication that they were defensive; that it didn't create as much new choice as we ought to.

And I - now that I think of it, Berry, I really need your help on this because you were part of the conversation on proxy and privacy. I don't know that proxy and privacy matter at all at determining if it's a redirect.

Cheryl, your hand is up on this?

Cheryl Langdon-Orr: My hand was up earlier but I agree; I don't think it matters at all if it's on a redirect. I did want to actually address redirect though. And I am channeling Chuck here. Redirects certainly do not mean that it's defensive. And it in fact can be argued that in a percentage of the cases it may actually result in new choice.

Because I, for whatever reason as a consumer may feel more comfortable in going to bianco.shop than I would in delbianco.com because for some reason I have a different trust value in a new gTLD dot Shop than I do in the dot Com that was the legacy.

That said we can't tease those out easily with these - with this lot of metrics - measures. We would actually have to have different types of analysis and we'd have to go searching for particular types of data sets which would involve probably the more expensive options of a specifically targeted survey...

((Crosstalk))

Cheryl Langdon-Orr: That's not our job at this point in time. And I think that the sort of bucket measures that we're using like greater than 15% or less than 15% are okay for where we are now - or where we need to be in three years time.

((Crosstalk))

Cheryl Langdon-Orr: I think we...

Steve DelBianco: ...on the bar rather low, right?

Cheryl Langdon-Orr: Yes.

Steve DelBianco: You said that a target of at least...

Cheryl Langdon-Orr: Yes.

Steve DelBianco: ...no more than 15% redirected three years out...

Cheryl Langdon-Orr: Yes.

Steve DelBianco: My question for the group would be why did we care about Whois records figuring out redirects? Anybody recall why privacy and proxy and Whois data are necessary to do; the second row on Page 10.

Berry Cobb: This is Berry. I'm pulling off the top of my head but I almost think that it was just a carryover from the first row.

Cheryl Langdon-Orr: I agree.

Berry Cobb: And that it just seemed to make sense when we were putting this together. So, you know, Transaction A, coke.pop redirects to coke.com and that's a privacy registration you can conclude - or it's registered under privacy proxy you can conclude that if it's redirecting to coke.com that Coca-Cola Corporation owns coke.pop.

But if coke.pop resolved to pepsi.com and it was privacy proxy and we excluded that then, you know, that's probably a clear case of, you know, of cybersquatting...

((Crosstalk))

Steve DelBianco: Yes and there's other ways that the trademark owner would have pursued that. Yes, Berry, I mean, I hope that we can attack this by looking back at the transcripts of our earlier calls. But I'm guessing that the privacy proxy stuff we have on Page 10 is obsolete. We fixed it ourselves by doing a survey in the third row.

We fixed it ourselves by measuring redirects, by looking at zone data alone without Whois. And we don't really care if during sunrise you happen to use a privacy proxy.

Cheryl Langdon-Orr: Yes.

Steve DelBianco: So my guess is that we'll end up stripping that stuff out of there. I'd love to hear what Cheryl thinks of that.

Cheryl Langdon-Orr: Well, you know what I think of having dirty data. If it can't be verified it can't be used.

Steve DelBianco: Okay so this was a fortunate segue because it enabled us to jump into the INTA comments a little bit. And with everyone's indulgence I'd like to ask Michael, since we have him on this call, a couple of questions about the INTA in the 15 minutes we have left.

Michael Graham: And I will try to answer them and I'll defer them if I can't and talk with the folks next week in Washington.

Cheryl Langdon-Orr: You're allowed to them on notice, Michael, we're not...

((Crosstalk))

Michael Graham: I appreciate that.

Cheryl Langdon-Orr: Oops.

Steve DelBianco: Michael, so real quickly on Page 2 of your written comments...

Michael Graham: Yes.

Steve DelBianco: ...you get to the notion of finding sites that people are seeking and wanting to have a metric that measures the accuracy of search engine results. So the question for you is what kind of objective ways is there to know whether people are finding what they're looking for and whether that's a trustworthy domain versus non trustworthy? This is bottom of your Page 2 in your text.

Michael Graham: Right. Search engine analysis should include an analysis of the accuracy of search engine results both before and after the new gTLDs. That section?

Steve DelBianco: That's right.

Michael Graham: You have asked the question which we asked ourselves whether or not there would be an objective means of determining that. And I am not aware of one. I'm not a software engineer. I've not taken this in front of our people who do software and online software engineering. It may be that that would be subjective determination for a survey.

Steve DelBianco: Let me ask you to do this then. Since there's another few days for reply comments let's say that you go back to INTA and say, if we can, let's suggest either objective measures or suggest a survey with respect to search engine accuracy. Instead of leaving it to the working group of which you're part - leaving it to the working group to just conclude we can't find any use the six days to remain to see if you can suggest one.

Michael Graham: Okay.

Steve DelBianco: Otherwise you know what'll happen, this one - we won't be able to do anything with it. The same is true on the top of Page 3 of your comments where you discuss the quality of competition not just the quantity of competition measures.

For those of you who don't have it up INTA said that the proper focus for competition is more than just an increase in the quantity of domain names and registries; the quality of competition resulting from the new gTLDs should also be taken into consideration.

For example there should be an analysis of the number of dead links and redirects of second level domain names in newly delegated TLDs. And that would be an indication of...

((Crosstalk))

Michael Graham: Yes, I was going to say at least in that point that would be one suggested objective measure.

Steve DelBianco: And I would ask you then in the reply comments to say whether you were going to offer a measure, 14%, 45% or would you relatively measure it to the legacy gTLD space? So all the new gTLDs have 18% dead links three years out against the legacy gTLDs which only had 12%.

Michael Graham: Okay.

Steve DelBianco: And we'd say that the new gTLDs are not doing as well, lower quality. So I would invite INTA to clarify whether it's a measure of over time or a measure of comparison to the legacy gTLDs.

Michael Graham: Okay.

Steve DelBianco: Since it looks like we'll probably already measure redirects from the conversation we just finished dead links would be another thing to measure.

Cheryl Langdon-Orr: Easy enough.

Steve DelBianco: A question for the team, do we have dead links anywhere in our current table?

Cheryl Langdon-Orr: Not from memory. Cheryl here.

((Crosstalk))

Steve DelBianco: I don't think so, Cheryl. So, Berry, let's make a note of that. Are dead links something that are easy to ascertain by looking through a zone file?

Berry Cobb: Negative, I don't think so.

Cheryl Langdon-Orr: Yes, I don't think it is.

Steve DelBianco: Something where you have to design a computer program that walks through the zone and tries to do a resolution request...

((Crosstalk))

Steve DelBianco: ...404, do we call that a dead link? It requires walking the zone. The computer would do it, not a human.

Berry Cobb: That's a - this is Berry. That's a does not resolve versus a dead link.

Steve DelBianco: What's the difference?

Cheryl Langdon-Orr: It can be...

Berry Cobb: Well when I hear...

((Crosstalk))

Cheryl Langdon-Orr: ...non resolve.

Berry Cobb: When I heard dead link it's a page on a resolved Website...

((Crosstalk))

Berry Cobb: ...that has links that point to nowhere.

Cheryl Langdon-Orr: Correct.

Steve DelBianco: Michael, is that what you meant by dead link in the INTA comment?

Michael Graham: I do not believe that is what we meant.

Steve DelBianco: Okay. Michael, let me throw it back to you then to clarify what dead links are right down to the error code that comes back or the conditions.

Michael Graham: Right my understanding - and I will confirm this - is that it would be a 404; it would be a does not resolve.

Cheryl Langdon-Orr: Cheryl here.

Steve DelBianco: Go ahead, Cheryl.

Cheryl Langdon-Orr: That is an important definition because there are a whole lot of temporary and less temporary reasons for a 404.

Michael Graham: Okay.

Steve DelBianco: Expand on that please.

Cheryl Langdon-Orr: And it would then - it would skew your data really badly depending on when and - when you took it.

Steve DelBianco: Three years out. It's three years that the gTLD has been up but it's still relatively young if you're a brand new registrant and you just opened your business, right? You still might be a 404 because you registered but you haven't got it up yet.

Cheryl Langdon-Orr: Yes. Can I just reply? I actually think the measure is valuable. I'm happy to - more than happy to have it in the metrics. I'd be really interested to have someone else try and be specific on what the definition of a dead link is because I certainly was thinking as Berry defined not as a 404. But then I probably have a slightly biased view on that. But...

((Crosstalk))

Steve DelBianco: Well you and Berry explain once again; if it's not a 404 and I went to langdonorr.bank how would I know if it was a dead link under your definition?

Cheryl Langdon-Orr: Because when you went to langdonorr.bank and you looked for my family photos the link to my family photos have been removed; it no longer exists. There are pages which refer to that child page and that child page no longer exists at all.

Michael Graham: Right and I understand the terminology of that. And as I say I do not believe that that's what we were...

Cheryl Langdon-Orr: Yes.

Michael Graham: ...trying to get across. But I'll confirm that because actually, I mean, if you're linking into a site to begin with then the primary...

((Crosstalk))

Michael Graham: ...measurement that we're looking at exists obviously.

((Crosstalk))

Michael Graham: Right.

Cheryl Langdon-Orr: Yes.

Michael Graham: You're resolving. So I will confirm that and I will also go back with the question of if someone can come up with a means of...

Cheryl Langdon-Orr: Yes.

Michael Graham: ...measurement.

Cheryl Langdon-Orr: And - Cheryl here again. You know why it's important because when you set out the requirements for whoever designs or even just buying it off the shelf or using it off the shelf for the crawler that does these link set tests those parameters need to be clearly defined. You can look for either.

Michael Graham: Right.

Cheryl Langdon-Orr: But it's important to know which one you're looking for. And if you're doing a dead link measure you can find dead links on really live active and consumer choice used and trusted sites.

Michael Graham: Right.

Cheryl Langdon-Orr: Okay. Now what regardless of when we get these metrics what would be in my totally biased view the valuable measure would be - and I'd love to hear

as Steve invited INTA to put - INTA to put in that its suggestions on this - I think what would be interesting is comparing the legacy to the new not a percentage factor because then you've got a clearer measure of what new gTLDs have offered consumers.

Michael Graham: You're talking simply about a raw number.

Cheryl Langdon-Orr: Yes. One is greater or lesser than the legacy.

Steve DelBianco: Yes, Michael, you'll see that our group is really disciplined about our targets to say where they - three years out relative to the legacy space or relative to the baseline three years ago, you know, changing over time, things like that.

Michael Graham: Right. Well and I guess - yes, and I think the type of mindset at least that I had in going through this analysis with INTA - and I will admit to frequent headaches while we were talking about this having left math behind me years ago - was I kept coming back to it's a - there is a ratio but it's not a ratio of legacy to new it's a ratio within legacy compared to the ratio within the new.

So - I think what you were getting at, Cheryl, was the number of - or the ratio of - I'll use dead links for lack of a better term - dead links to active sites in legacy versus dead links to active sites in the new.

Cheryl Langdon-Orr: Correct.

Michael Graham: And that - that percentage or that ratio should decrease if we are offering a greater quality overall. Is that...

Cheryl Langdon-Orr: It can be argued that that is the case, yes.

Michael Graham: Okay. I think - yes. And I think I agree with that analysis. I mean, there can't be a percentage change. I think that - even in those - and you will see in some of our comments in the charts we struggled at some of those in looking

at them and saying this looks high, this looks low and trying to make a suggestion of what we believe would be more accurate.

There are a couple of those and I believe the one in - when we were talking about consumer choice in the second row where we suggested going from 15 to somewhere between 3 and 9 and that figure and a couple others that we put in there actually were derived from the second economic study.

Steve DelBianco: Mike, I'm going to have to cut it off there; we only have a minute or - five minutes left and we do want to wrap up and plan for our next call. But I appreciate you taking on board some of these questions because it's an opportunity for INTA to come in with a reply comment.

Michael Graham: Yes, I will go back and chat with them on those two big points that we discussed.

((Crosstalk))

Steve DelBianco: I'll give you one more to think about. It's on Page 4 where you talk about the percentage of IDNs in each script. And you're suggesting they ought to converge to the same percentage of people who use that script or language. I did the math on that and I can't make it work so I would ask if you could expand examples for the...

Michael Graham: Okay.

Steve DelBianco: ...percentage convergence of IDN to populations at the top of Page 4.

Michael Graham: Okay and I know exactly what you're talking about. The only other thing that was major, and I'll just leave this on the table for later, and that was the consideration of a snapshot, a one-year and the three-year.

Steve DelBianco: We agree that wherever possible if it's not too expensive things that are three-year targets ought to be measured at one and two years as well.

Michael Graham: Okay.

Steve DelBianco: We all agree with that. In fact we...

Cheryl Langdon-Orr: Yes.

Steve DelBianco: ...probed the Board about why they came up with the number three because three is sort of after the affirmation review team is practically done and it doesn't really coincide well to the work they have to do. And...

Michael Graham: So that suggestion would actually be part of the written proposal then...

((Crosstalk))

Steve DelBianco: It definitely would be. But we do have to be cognizant of cost.

Michael Graham: Right.

Steve DelBianco: I mean, if Berry writes a program that can walk a zone and get an answer that's one thing but if there has to be a survey conducted and surveys are \$100,000 a pop it's really...

((Crosstalk))

Steve DelBianco: ...going to be difficult to argue for doing it three times for each one of our measures instead of just one.

Michael Graham: Right, yes, I think - we discussed that quickly as well when I brought out how much of a cost and the suggestion from INTA was one big survey to the

extent that that's possible. But I didn't go back to see if we covered the same people.

Steve DelBianco: Great. Berry, tell us about what has - what our calendar is like for the next call.

Berry Cobb: Thanks, Steve. This is Berry. For the next call what we have on the agenda of course the reply period closes next Monday. As soon as that closes I'll be incorporating all the comments into a summary which will - the deliverable out of that will be a spreadsheet that contains who made the comment, the primary components of the comments submitted that are up for discussion for the working group and then action column.

Of course the comments from the Costa Rica session will be appended to the bottom of this. And basically for our - until the working group has all agreed that the comments have been addressed appropriately and we identify what changes will occur to the draft advice letter that'll be our - basically our course of operation until we satisfy all of that and have created the final draft letter.

So for specific milestone schedule we've got a meeting on the 15th of May and a meeting on...

Steve DelBianco: Berry, could you stop there for a second? Do you believe that staff will be able to summarize the comments as of May 7 so that they'd be available to us in advance of the call on the 15th?

Berry Cobb: I will do my best. It will - let me look at the calendar. I should be able to have it done by the Thursday before the end of that week so the 10th of 11th I'll have the summary produced and then the working group members can review it through the weekend and the 14th.

Steve DelBianco: Thank you. And one other question; has staff started to do that summary on the comments that have already been submitted?

Berry Cobb: No.

Steve DelBianco: And if there were staff capacity to do so it would make it faster so that you would only have to analyze the ones that came in on the 5th, 6th and 7th making it more likely that we had a summary in hand before the 15th. But I realize that's subject to resources available.

Jonathan Zuck: Correct.

Berry Cobb: But to be perfectly honest, you know, we have the 29th of May basically to construct the next draft advice letter. I'm assuming that that session will also be used to continue negotiating all of the summary comments given it's taken us two full sessions just to go through the Costa Rica comments; I imagine that both the next two meetings will be doing the same for the public comments.

Steve DelBianco: So I would ask the group whether you believe a call on the 21st of May should be at least...

Cheryl Langdon-Orr: Add it.

Steve DelBianco: ...temporarily put on the agenda?

Cheryl Langdon-Orr: Yes.

Steve DelBianco: Any other views...

Cheryl Langdon-Orr: That's Cheryl with a yes.

Steve DelBianco: ...on that? Berry, we don't have too many left on the call so let's say that a super majority of Cheryl and Steve said we should put...

Cheryl Langdon-Orr: Cheryl and Steve agree.

Steve DelBianco: Put another calendar item for the 21st of May. I mean, I'd rather do a call for an hour and a half on the 21st of May than a four-hour call on the 29th.

Cheryl Langdon-Orr: Here, here.

Berry Cobb: Great, I'll get that thrown onto the schedule.

Steve DelBianco: And so staff does a lot of summaries; we end up doing a discussion and then different members of our working group take up the pen and propose edits to the document like we did the first time around. So I suppose that it's the working group that would do the document edits. And the working group would come to consensus on document edits as you say here by the 29th of May.

Berry Cobb: Correct.

Steve DelBianco: Last question, Berry, do you believe that the extended application window has any affect at all on our work?

Berry Cobb: Well - and objectively I will say that given the current timeline with the close of the task window that does probably affect the end result of when the first gTLD gets delegated by X duration. So thus that would definitely push out when the future AOC review team gets started.

But with respect to the here and now I don't see that being any kind of conflict regardless of what may go on in the Prague session.

Cheryl Langdon-Orr: Yes.

Steve DelBianco: Great. Thanks, Berry, agree with that.

Jonathan Zuck: Berry, this is Jonathan Zuck.

Steve DelBianco: Any other business then for this...

Jonathan Zuck: Are you going to reach out to Paul Redmond about maybe participating directly on one of the next couple of calls?

Berry Cobb: Yes definitely.

Steve DelBianco: Anybody else have anything for the good order here?

Cheryl Langdon-Orr: The only thing - Cheryl here for the record - just on the 12-June submit to GNSO Council is it then for the Council to redirect to the other SO and ACs? Because I'm very concerned about getting it on the agendas of the other SO and ACs in the Prague meeting.

Steve DelBianco: This is Steve with an answer on that.

Cheryl Langdon-Orr: For example...

((Crosstalk))

Steve DelBianco: I would have for Council to hold up by one minute whether or not the advice would be looked at.

((Crosstalk))

Steve DelBianco: ...ALAC. So I would at least argue that the minute we finish our working group that that is public document and it would be available for consideration not just by the GNSO who asked for it but by the GAC, ALAC and ccNSO.

Cheryl Langdon-Orr: Yes...

Steve DelBianco: That would be my opinion.

Cheryl Langdon-Orr: ...because that's pretty much a drop dead date I would think for all of us.  
But I would suggest that the leadership of this workgroup needs to make that clear and agree to conversation with the GNSO Council.

Steve DelBianco: Great. No further insights we'll call it a day. Thanks, everyone, for a very meaty call.

Cheryl Langdon-Orr: Oh it was excellent. Thank you.

Michael Graham: Great, thank you.

Steve DelBianco: Bye-bye.

Michael Graham: Thanks for letting me participate.

Steve DelBianco: You bet. Welcome aboard.

((Crosstalk))

Michael Graham: Okay.

Cheryl Langdon-Orr: Bye.

Gisella Gruber: Thank you. Thank you, everyone. Thank you, (Tonya).

END