

**Consumer Trust Meeting  
TRANSCRIPTION  
Tuesday 22<sup>nd</sup> 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  
Jonathan Zuck - IPC  
Michael Graham - IPC  
Rosemary Sinclair - NCSG / WG Chair  
Tobias Mahler - Individual  
Carlos Aguirre - NCA

ICANN Staff:

Berry Cobb  
Maguy Serad  
Liz Gasster  
Paul Redmond  
Gisella Gruber

Apology:

John Berard- CBUC / GNSO Liaison  
Wendy Seltzer  
Julie Hedlund

Coordinator: I'd like to remind all participants this conference is being recorded. If you have any objections you may disconnect at this time. You may begin.

Nathalie Peregrine: Thank you very much, Operator. Good morning, good afternoon, good evening, this is the CCI call on the 22 of May, 2012. On the call today we have Steve DelBianco, Rosemary Sinclair, (Tobias Marler), Cheryl Langdon-Orr. From staff we have Berry Cobb, (Maggie Cerrard), Liz Gasster, (Paul Redmond), and myself, Nathalie Peregrine.

We have apologies from Carlos Aguirre, John Berard, Wendy Seltzer, and Julie Hedlund. I would like to remind all participants to please state their names before speaking for transcription purposes. Thank you very much and over to you Rosemary.

Rosemary Sinclair: Thank you, Nathalie. We've got our agenda before us so we'll move straight into the review of open action items. Berry, would you mind taking us through this?

Berry Cobb: Yes, Rosemary. This is Berry. Our first one was to invite the compliance team on to the call today so that we can discuss our deliberations about some new metrics. I think from mid-April. And we'll move into that just as soon as we run through the rest of these action items.

But they are on the call and we welcome - thank you.

Second one was update the public comment survey form and I sent that out to the list just now. There was a question raised whether to include the USG comment and at this time this version does not include them. The reason for that is the formatting that they sent the PDF, I can't cut and paste any of the text to input into our tools.

So I'm probably going to take the approach of attempting to summarize the main elements of their comments and that way I can load them into the tool, we'll be able to review through them. I'm sure there will be some good discussion about their comments that they submitted.

The third action item is to send out the - or to create the first drafts of letters to the GAC and to the - I'm sorry, wrong one. Third action item is to confirm that there is indeed a GNSO GAC session in Prague and there is - and it's scheduled for Sunday afternoon.

And so we'll discuss more of that with respect to getting on the agenda items but it's - the GNSO Council aware that we'll be trying to do a session on Saturday or Sunday with respect to consumer metrics as well as, I believe, there will - Jeff Neuman is aware that we're looking to have an action item listed for this session with the GNSO GAC.

The fourth action item was to draft the first letter for a formal response from the GAC with respect to the Board with respect to the advice letter, which is what we'll review through after the session with compliance.

And then the last action item is to create a first draft for our Prague session and right now that's just a carryover and we'll start fussing that out next week.

The only other thing that I'd like to bring up with respect to the remaining working group's schedule, as you see over here on to the right, we did have a target for submitting the final advice letter to the Council on 12 June.

But if I recall correctly, there was maybe a notion that we might postpone the formal delivery of that so that we could give adequate time for the GAC to respond to that advice. Is that a fair statement? And Rosemary, do you recall if we wanted to adjust that schedule out?

Rosemary Sinclair: Okay, Rosemary here. My recollection was that we did. I think we were trying to - in fact, not only give the GAC a little bit more time but to allow the (unintelligible) to have them before we absolutely finalized what we were doing. But I'm happy to be correct on that if I've got that wrong.

Steve DelBianco: Rosemary, it's Steve. I think we discussed the best of all worlds if the GAC gave us some indication that they would provide advice that we'd be happy to wait for that for a final report. But it's not likely the GAC will either commit to a timeline or anything like that.

But let's at least ask and if they won't commit to getting us something we may have to proceed so that we don't hold things up in getting our stuff to the Board.

Rosemary Sinclair: Rosemary, here. I think that's a good way to proceed actually. If we keep 12 June as our target date and we shifted only if we have good reason being that we've got some input from the GAC that we need to deal with before finalizing our draft advice.

Berry Cobb: Very good. So that concludes the action items, Rosemary.

Rosemary Sinclair: Thanks, Berry. So that then takes us into the review session with the compliance team.

Berry Cobb: And Rosemary, this is Berry. I'll kind of set this up. So this - in mid-April when we were reviewing through some of the comments from the Costa Rica session, and I'm trying to pull this up on to the screen for everybody to see, but with respect it was to consumer trust.

And I believe it was from - yes, (Rudy Vansnick) and his question was basically that trust is a flexible word. There are several definitions attributed to it. And he specifically pointed out how registrants were handled by registrars and do we need different types of trust.

Over in the working group response section this is a rough snapshot of our dialog with regarding that. We first discussed the (Internix) site and its current state and we also talked about future state with respect to the new gTLDs and registries and those kinds of things.

We talked about some of the ombudsman complaint systems and if there was any channel or path there by which complaints would be submitted about registries or registrars. And then we also basically had some discussion with respect to compliance and what requirements are available - are being derived for the new system as well.

Long and the short, our recommended action is that we're going to be adding two metrics to consumer trust which in detail is the number of general complaints submitted for registrars and the number of general complaints submitted for registries.

With that discussion, we were also asked by the working group that we invite compliance on to the team - or on to the working group and that we can have dialog and discuss what's going on out there today.

And that's pretty much the nutshell. And so I have briefed (Paul) and (Maggie) with respect to listening to the MP3 of that mid-April session and here we are.

So does - I guess does the working group have any specific questions that they would like to ask the compliance team? Or (Maggie), would you like to give us a brief summary of what sort of your perspective is?

(Maggie Cerrard): Thank you, Berry. This is (Maggie) Cerrard. So I don't have - I'm not in front of a laptop. I have personal appointment I'm tending to so I apologize I don't see the screen.

But my understanding from here is that you have - the working group has certain questions or are you expecting an update on where are we in relations to the systems to deliver metrics. Which part do you want us to talk to? I'm not clear on what is it, the discussion or the specific question being asked.

Rosemary Sinclair: Well, Rosemary here, perhaps if I have a go and then anyone else who wants to come in on the working group side can do that. And that will give (Maggie) a brief.

My perspective on this whole issue, (Maggie), is that we are working to come up with definitions for three main concepts; consumer in the context of ICANN; consumer trust as a state of being if you like; and competition, again, in the context of the domain name system.

Once we've established the definitions of those terms for our purposes then we want to look at metrics, how one would work out where you are on a particular definition now and in two or three years time in some cases.

And then thirdly, we've had a philosophy with this work to try to identify metrics that are doable. We've - early in our discussions taken a general position, a loose position, that if you came up with metrics that were too expensive or too difficult to firstly collect and then secondly report then that wasn't a practical outcome.

A number of the metrics that we're proposing relate in one way or another to the complaints system or the compliance system that ICANN is running and in general terms working to understand more clearly what's being collected through that compliance system, how it's being measured and reported.

And I suppose whether what we are suggesting would interpret current data and reporting in the particular way or require - pardon me, the collection and reporting of new data.

So that's why, (Maggie), I guess our interest in the compliance system is very general and our questions are very general because we had this particular approach.

Let me stop there and see if there are - if anyone else on the working group that wants to come in at this stage and then ask a couple of questions specifically.

So seeing no hands, and if anyone else sees any hands please let me know as is the usual form with this particular working group, but I think seeing none my first question, (Maggie), is just this notion that we were just discussing about trust being a very flexible word.

If you're in your helicopter right up on top of the ICANN compliance system looking down do you see (unintelligible) that you - and I know I'm using our terms, not your compliance terms, but do you feel that you - that there are different sets of compliance issues and compliance processes?

That's my interpretation of your language, which might mean for us that there are in fact different sorts of trust and that, of course, would take us to the point that we would have different sorts of things to measures. And we might need more metrics.

So perhaps if I could leave that background introduction and that particular question there I hope that's helpful.

(Maggie Cerrard): This is (Maggie Cerrard) for the record. Rosemary, thank you very much for the brief summary you set us in here.

So what I would like to mention to the working group is along the line of what we had shared with stakeholder groups, especially with the IPPC and different separate discussion is we are at a point now where we are really - and I'm hoping to show to the stakeholders, including the working group, how we are progressing and reporting and transparency to the community.

Because when we speak of consumer trust to the ICANN community, to ICANN - and competition it's about metrics as you clearly stated. The metrics

will be ruling out in a gradual mode based on current availability and future requirements.

So we want to share with this group that by Prague, as I committed to all the stakeholder groups, is that we will be sharing metrics along the line of the different phases that complaints go through.

In the past we used to report at an overall picture, which is a total picture. And to the community and especially to the different stakeholder, you know, it's like what's in it for me, how can I tell the truth story.

So now with the minor enhancements we're rolling out slowly into the current systems as you stated, it's about time and money also, so the minor enhancements to align with the process will allow us to share not only complaints by different phases as they go through compliance but also types of complaints.

So we are building and prototyping a new business intelligence tool this trimester leveraging on existing data. By establishing a foundation we have feasibility studies underway for future tools where we consolidate the different systems compliance collects complaints through.

For future, we want to finish the feasibility study as I had shared with Jonathan Zuck who is also a member of this community or this working group is we will be expanding on metrics and think of it like a Rubik cube. You know, how can you slice and dice the data to address the consumer trust based on the different stakeholder groups because every stakeholder group in the ICANN community is looking at it differently with a different interest.

So by Prague we will share with you the breakdown, the types, and hopefully also by Prague we will complete our feasibility study but I will not have all the relevant data we're working towards.

And I can start sharing with you what we're working towards once you understand where we're going. Did I answer your first question, Rosemary?

Rosemary Sinclair: Yes, (Maggie), thank you. I found that very helpful.

(Maggie Cerrard): And (Paul), I know you are on the call, (Paul) is my Senior - the Senior Manager in compliance overseeing performance, measurement, and reporting. And it's a very, very key role to our organization, not compliance only but ICANN.

So we've discussed with - (Paul) and I have had a call with (Jonathan). We are - when you speak of (Internix), which is the very first consumer or customer facing interface, we all know it is not a user friendly.

It is also on our plan to update that or replace that but it is in the short term plan, which means, you know, thinking towards more of the October timeframe because decisions have be made on the feasibility first of where we're going.

But (Internix) will have to be modified to your summary at the beginning. They - it's limited in functionality. It's not user friendly. And it is not addressing the community needs. So consumer trust is earned once you are capturing what is it they care about. And (Internix) is the first phase to compliance.

And we are in the process of looking at what exists today, what needs to be added, not only but - because of new gTLD. Even if new gTLD was not being discussed today, we need to modify (Internix). It's not capturing the different aspects of complaints or the complainants information. And we don't even follow up and follow through because it's not automated.

So consumer trust has different phases from our perspective of measurement and reporting and it has to be rolled out gradually as we roll out the tools and the technology.

Rosemary Sinclair: Thank you very much, (Maggie). Steve?

Steve DelBianco: Thanks, Rosemary. Hi, (Maggie), let's see if we can cut right to the details here. We have a list of metrics that we'd hope that compliance would be able to help us with. They come into two buckets. There are complaints submitted by the community which need to be categorized.

And there are, of course, breach notices issued by ICANN for which categorization is much easier since ICANN can categorize its breach notices and suspensions and terminations even after the fact. And the quantity is relatively minimal.

So let's just focus on the complaints that regular people would file using that (Internix) form that Berry pointed everybody to on the Adobe room.

(Maggie), do you have access to the Adobe room?

(Maggie Cerrard): No, I'm sorry, Steve. I said at the beginning I'm at an appointment here so I'm not at my desk.

Steve DelBianco: So I'll quickly read it to you. One of the comments we've received on our draft advice (unintelligible) is government and they took a look at all the metrics we'd had in there for complaints and they wanted to suggest several other kind of complaint characteristics that they'd like us to capture.

And I'm not even endorsing what they've asked for. I just wanted to understand from you whether you had these on your list. Because I took a look at the (Internix) form and it does allow the complainant to check the box for a spam issue.

But the US government also asks for metrics to include malware sites, sites used in bot nets, sites associated with ID theft, sites associated with spam,

that's the one you already have, breach notices that were given by ICANN for misconduct of officers and I believe that would come from ICANN, not the complainant, and then finally security breaches that occur at a given contract party or potentially even a domain name holder who has personal data on their site.

So what this would get to is whether - if there are plans to modify the (Internix) complaint form. It suggests to me that if we added check boxes for a complainant about malware on a particular domain, whether it's part of a bot net network, whether the complainant believes - associated with ID theft, and finally whether there's been a security breach there.

If you picked up just those elements we'd be able to tick off the items at least that the US government has asked for in their letter.

And Rosemary and the rest of the working group, on Page 8 of our document, we had a list of consumer trust metrics too. And I believe we've already verified that ICANN compliance can give us those - that level of granularity on complaints for what we already had in the table.

And I'll top there, thanks.

(Maggie Cerrard): Steve, thank you for summarizing what I cannot see. But so the question you're asking if I may restate is that an opportunity to capture this type of complaints that relates to the different categories of malware. Is that what you're asking me?

Steve DelBianco: Yes, whether the (Internix) complaint form - if in fact that's the complaint form that you're going to be modifying, whether it can be modified to capture five additional kinds of complaints?

(Maggie Cerrard): By when do you need this type of answer because, again, some - the content as we all know, we can capture them if that's what the intent is. But what do we do with it is the most important question? A lot of the complaints...

Steve DelBianco: (Maggie), that's actually not an important question. What you do with it is not an important question for this particular exercise. This is about data gather and not remedies. So we only have to look at the data gathering aspect of this one.

(Maggie Cerrard): Okay, so I would like - by when do you need an answer if this new requirement can be captured? I would like to take it back and review what does it mean.

But I understand you only care about the first part but, again, when we capture complaints if we don't know what we're going to do with it or we don't have a plan for it the consumer trust will drop. It's going to go into a black hole. So I need to understand the bigger picture also.

Rosemary Sinclair: Rosemary here. I think that's a very important comment that (Maggie) has just made, Steve, that, you know, from our point of view collecting the data is what we're interested in. But from the compliance group's point of view you wouldn't really collect data that you weren't going to do anything about.

So you've got to think through the process. If I asked people if they're happy and they tell me they're not then what do I do about that.

Our timeframe, (Maggie), is that we have, gosh, three more meetings after this (unintelligible) June 12 and I think it would be extremely helpful now that we've had this discussion if you could look at the list of things that Steve has just suggested and our Page 8 that Steve was referring to and come back to us, possibly next week if you could. Because this is a very important issue for us.

(Jonathan): Rosemary?

Rosemary Sinclair: Is that Steve - Michael?

(Jonathan): It's (Jonathan), I'm sorry.

Michael Graham: Go ahead, (Jonathan), I'll hold up for you.

Rosemary Sinclair: That's Michael.

(Jonathan): Sorry, I guess I just - I just want to clarify something Rosemary because I do see a scenario under which compliance might track data for the purposes of an affirmation of commitments review that are not necessarily items upon which they're going to act for contract compliance purposes.

I mean I think they have a narrower mandate - narrower mandate for enforcement than we do for appraisal if you will. I mean we're trying to find some ways to look at some abstract concepts like increase in consumer trust competition and choice. And that's not (Maggie)'s mandate.

And so I don't know that we want to saddle her with enforcing whether people are happy about something nor do we want to be limited by - to only tracking data that (Maggie)'s planning to use for enforcement purposes.

Rosemary Sinclair: No, I understand that point, (Jonathan). I was just trying to indicate that what we're trying to do here is make an intersection between the objectives of this working group and the compliance team that already is in existence and doing work, that was...

(Jonathan): I agree with that, Rosemary. My concern is if we just look at the point of intersection we won't be tracking enough information.

Rosemary Sinclair: Yes.

(Jonathan): We can't just look at the overlap of our activities. We need to look expansively at what it is we've been chartered to do and make sure that we can get the data to do it, whether or not the compliance team makes the decision to use it for enforcement purposes.

Rosemary Sinclair: Quite separate, (Jonathan). In fact, the first thing we've got to do - and I think we're there now, is get the compliance team to actually look at the (unintelligible) work and I think that's what we've agreed at this meeting, that they will look at our work and come back to us.

Michael and then (Olivier).

Michael Graham: Yes, I think actually, Rosemary, this is Michael Graham. I think what you just said is basically what I was going to point out.

One, that there - and also (Jonathan), that there is a difference between what we have wanted asked and are tasking ourselves and suggesting to the review team that they review in order to meet the sort of analysis that we believe would be useful in coming up with - well, in determining whether or not the program has met its rejected expectations.

At the same time, I guess I see for the compliance teams that - to the extent that some of our measures are ones that, yes, they could include on (Internix) so that we could get some data.

They might be things also that in the future they may want to address in terms of finding a response to - especially in so far as some of these - this information is coming not from registrants or registries but from the governments and such, additional word that might help them out.

But I think certainly, as (Jonathan) was saying, the raw data is what we need to get on our concern and then compliance can hopefully move forward in

some of these concerns that we think are important will then decide that perhaps there is something that needs to be addressed on the second stage, other than just obtaining the data.

Rosemary Sinclair: Thanks, Michael. (Olivier)?

(Olivier): Thank you, Rosemary. It's (Olivier) for the transcript. I just wanted to absolutely support the fact that the channel that compliance already has in being front facing the customers for customer complaints be used in fact for additional - I would say, non-compliance related information gathering.

It's - it would be great to have a one-stop shop for any complaints. And from there, the complaints either going to - just for statistical reasons which is what we're doing or going to the compliance department or going to the ombudsman or wherever else.

And the other thing I wanted to say was I think we shouldn't be - I think we're all in agreement on that we shouldn't be limited to matters of compliance there and think that compliance today is what compliance will be tomorrow.

I am absolutely hoping that ICANN's compliance department mandate will expand in time as (Maggie) very well builds up her department and is given more tasks to clean up some of the darker sides of the DNS. Thanks very much.

Rosemary Sinclair: Thanks, (Olivier). Steve?

Steve DelBianco: Thanks, Rosemary. We have so much work to do that we need not make questions like this more complex than they already are. And it strikes me that, (Maggie), this is a very simple request about modifications that you plan to make to the (Internix) form and the questions are, can you add four elements to the radio buttons, that is malware, bot nets, ID theft, and security breach.

I realize, though, that that (Internix) form is a bit of a - well, it's a bit of a mess. It conflates where a problem occurred with what the problem is. For instance, the current complaint form had a checkbox for ccTLD to select your issue. It has a check box for new gTLDs, which are really not complaints. They're some sort of a guess as to where the complaint occurs.

And then there are a whole host of other radio buttons on there to indicate what the nature of the problem is and the way I understand it now is that (Internix) form only allows a single radio button to be highlighted. You realize that?

So if I had a problem with the ccTLD at the main renewal I couldn't highlight both those things on the same form. And this form is probably designed way before you got there but the form has to separate between where the problem lives and what the problem is.

And these four elements that the US government has asked for are along the lines of the what. And when it comes to the where, we usually determine the where partly based on this specific domain name, which is a field they have to put in at the top.

So if they put in the domain name that's in a new gTLD, well, that automatically covers the new gTLDs. You don't necessarily need to have another place to indicate it.

But as Berry Cobb raised on the last call, we wanted to know whether we can discover if the nature of a complaint is aimed at a registrar or a registry, the two sides of the contract party houses. And it's not always obvious until you dive into a complaint to figure out whether it really was a registry or registrar problem.

And so this is a question for Berry as much as anyone else, do we think that the complainant should indicate whether they suspect it's registrar and

registry? Or should that be something that compliance discovers when they dive into the actual complaint? And I can restate that question if it wasn't clear.

Rosemary Sinclair: Rosemary here. Let me have a go at it. Having looked at consumer complaints in other areas, the less you require the consumer to do at the point when they're making a complaint the better because to try to get consumers to distinguish between structural elements in a system such as ICANN can be interpreted as putting a barrier in their way when they're trying to (unintelligible).

Cheryl Langdon-Orr: Sorry, Cheryl here. And it would skew the data - Cheryl here, it would skew the data because, yes, they don't actually have the ability to make that determination in many cases. They're lucky if they can spell ICANN and I'm not being derogatory there. Their issue is to raise the complaint and we're interested in mining data.

One of the clear and obvious resources for the mining of this data is out of the material and interaction - material collected and the interactions that the compliance department has in their customer-facing situation. If we can't get that from compliance, well, then we'll bloody well have to get it from somewhere.

Won't be a pity to put up a second set of resources to collect material that could be being collected by a department we already have, need expanding, and is already operational. I hope that's not too subtle, (Maggie), but I think you might see where we're coming from.

(Maggie Cerrard): No, I truly respect all the ideas that are being put on the table, Cheryl. My - again, like I said, the (Internix) interface, it's the second phase we're going to look at. It's not - we're not even looking at the requirements and sorting through who does what, what is it - it's a discussion (Jonathan) can tell you we've had with him. It's our next phase.

But let me just ask the team, again, collecting complaints for the sake of data and mining data is one thing. But what do we do with the next step of complaint?

I know, Steve, you said you don't want to go there. I need to go there because the consumers will look at compliance, you're asking me - you don't care, what are you doing with it. So we need to understand the full process.

And I'm not saying that to delay anything. Adding dials to a screen, you and I and (unintelligible) (Johnson)'s on the call is technical, so is (Paul), so am I. Adding dials is one thing. But what is the process to manage all this stuff that we're adding.

Is it just to be a pass through to the registrar who is responsible to - and has the relationship with the registrant to address those complaints? And we tell the complainant, your ticket has been forwarded to the registrar, thank you for contacting us. Will they be happy with that? What is the level of consumer trust we're going to gain at that level?

So I really ask the team are there other sources of collecting this data? I'm not saying I don't want to do it but for me to take on that responsibility I need to have a clear understanding of the next steps and I want to make sure the community understands what we're doing with those next steps.

And Steve, another thing to your point, you are absolutely correct, the (Internix) is really archaic, old, and one of the requirements that we've heard from them, different community members, is the ability to enter different types in one complaint so we make the user experience more friendly.

But again, it's not before Prague. After Prague I'm going to look at the requirements for (Internix) and whether we use (Internix) or not is also another question.

Rosemary Sinclair: Steve?

Steve DelBianco: Yes, thanks, and given (Maggie)'s dealing with a much bigger picture and it doesn't sound as if it's worthy trying to press (Maggie) and her department to commit to be able to collect four additional pieces of data or to commit to do the investigation and categorization necessary to determine, you know, whether it's a registry and registrar problem.

Because as Rosemary indicated, we don't want the complainant to have to guess which structural element came up with it, that's something that has to be determined by a compliance person who looks at the nature of the complaint and then looks at the domain name upon which it was reported.

And the experts at ICANN can determine rather quickly how to categorize that. And I realize that collection and categorization are way short of the third step, which is resolution.

And I know, (Maggie), you're focused on resolution because you can't be successful without doing resolution and I understand that. But we can't be successful in this working group if we don't get into collection and categorization because that's as far as we take it for purpose of advice.

Our advice will probably be nearly done by the time you look at the (Internix) form and decide whether you can add these four elements.

So I would propose to the working group, we don't need to trouble (Maggie) with this right now. All we have to do is record in our advice the kinds of items that we want ICANN to collect from the complainant and the kind of information that we expect ICANN to categorize once it does a little bit of preliminary investigation of the complaints.

And that way if the Board adopts our advice, sometime later the summer, that will dovetail neatly into whatever it is (Maggie)'s doing at that time to design her database and her new forms.

So we don't need commitment from (Maggie) on this call. It's really a courtesy to give her some advice and then we're going to proceed.

Cheryl Langdon-Orr: Yes, it really is a heads up, that's Cheryl for the record. And I think, you know, we've given (Maggie) the heads up now so we've got other things we probably need to dive into.

Rosemary Sinclair: Rosemary here. I'd like to make two points in response to that. I think we need to be careful and this is just me and it's the way I always look at things and Cheryl will confirm this. But I think we need to be careful that we don't become satisfied with being lost in the long grass of data collection.

I think in this conversation what has been raised, it's a very fundamental issue that needs consideration at the highest level of ICANN, which is whether our compliance efforts goes beyond contract compliance. And this is a very loose construction of this idea. It goes beyond contract compliance to compliance with the affirmation of commitment.

(Unintelligible) compliance with philosophical and policy positions that the organization is taking way beyond elements of contract. So that to me is a fundamental question and needs a lot more deliberation than we can provide.

And perhaps is out of scope, I'm not sure, but as we've been tasked with looking at words in the affirmation of commitments rather than words in the contract but I don't - we must not lose that important conceptual discussion in my view by being prepared to say, really what we want is a bit more data to be collected.

That question of why the compliance team does what it does, I think it's very important.

The second important point to me is that looking through the comments that have come in in our public review period, I - we could - the danger that we run is that we're going to wind up with 500 things being measured and selected.

And I think we're going to just have to think through our position. Up until now we've always taken the position that, as I described earlier I guess, that, you know, it's one thing having a wish list of data - and I'm not suggesting that we ought not widen the conversation, but to have a wish list of data that we now either cannot be collected or be reported.

I think is a - it's something we as a working group need to discuss.

And I'm not suggesting that we only confine ourselves to what is currently available and can be collected and reported. But the other end of the spectrum is starting to worry me as I look through the, you know, public comment period.

Goodness, there (unintelligible) I guess. Now when I...

Cheryl Langdon-Orr: Rosemary, Cheryl here. And you - your first point, I think the second point though as a work group as we go through public comments what we need to do is make sure we don't get lost into a huge quagmire of data for data's sake, which - the cry for which is probably more a resection of some consternation and concerns that some parts of the community have in the current system.

And all we're supposed to do is come up with metrics which can compare the current system to the future system after go live.

Yes, look, you know very well having worked with me for enough years, that the call (unintelligible) as value points you were just outline in the first place are very, very important.

But it is in my view out of scope for this working group in as much as that's probably some of the core issues that will be teased out with the affirmation of commitment review teams to get treated; 12 months after the new gTLDs are inserted into the root.

And they are data - what they interpret out of their data and the metrics that they use is very much going to be focused on those all absolutely important issues.

What we've been tasked to do, however, is to come up with the definitions for those metrics to even be looked at in the first place and to have some pre and post benchmark and what happens 12 months, two years, three years out comparative measurements.

And I think to that end, you know, we probably need to just realize that there's stuff likely to be tweaked and possibly able to be collected to meet those needs in the future or not. But, you know, the job will be for ICANN to get the data, from where it gets it be it third party external or internal, I guess kind of is up to them.

We've got to get the definitions and the requirements and the measure (unintelligible).

Rosemary Sinclair: Thanks, Cheryl, that was great. Now - sorry?

(Maggie Cerrard): Rosemary?

Rosemary Sinclair: Yes, (Maggie)?

(Maggie Cerrard): May I - I'm sorry, I need to drop off in a couple minutes but I do want to let the entire team know I heard the types of data you're looking for. I hear the type of information you're interested in.

And what I would like to tell you is I will consider those when we are - after Prague, come back to revisit what is (Internix) about and what's being captured. And I will work with Berry to keep you informed on the progress and those phases.

I know it does not meet your current time line but listening to the needs to help strengthen consumer trust is very important to me, not just as Head of Compliance but as an ICANN community member too.

So just wanted to assure you of that and I will look into it as just the timing is not right now. And I apologize for that.

Rosemary Sinclair: Thanks for that, (Maggie). And the other matter, which is to have a look at some of the issues we've raised in our work so far and whether those issues can be currently addressed with compliance team data. Are you able to take that on board and come back to us in a week or so?

(Maggie Cerrard): How many issues are there? I don't have the list in front of me. And are those issues kind of, like, ready for us to look at them? My understanding from previous conversations that you are sorting through them to identify what - kind of like filter through those issues. Do you want us to take a look at what's on the list now? Is that ready for us to review?

Rosemary Sinclair: My - Rosemary here. My suggestion, pardon me, is that we do ask you to have a look at what's on the current list. And I think it was Page 8 that Steve was referring us to.

(Maggie Cerrard): Okay.

Rosemary Sinclair: Because that would be very helpful. And then if there are other matters that arrive through our reviewing of the public comments then we could feed those to you through Berry. So perhaps if we do it that way we'd be able to make some progress within a time frame that gets us to our endpoint, which is something reasonably completed by the middle of June.

(Maggie Cerrard): Okay, so I will look.

Cheryl Langdon-Orr: Our Page 8 is already a foundation set. They may be tweaked and in some cases one or two additions been made as a result of the public comment input but they do see it as a foundation set.

(Maggie Cerrard): Okay, so yes, to answer your question, I will look at Page 8. And if requiring additional clarification is Berry - will Berry be our point of contact?

Rosemary Sinclair: I'll say yes and I'm hoping Berry will (unintelligible). Won't you, Berry?

(Maggie Cerrard): Okay, so Berry, (Paul) and I will look at Page 8 and regroup and get back with you by end of next week.

Berry Cobb: Great, thank you, (Maggie).

Rosemary Sinclair: Thanks very much, (Maggie).

(Maggie Cerrard): If there are no further questions may I be dismissed to leave? Sorry.

Rosemary Sinclair: Thank you very much.

(Maggie Cerrard): Thank you very much, guys. And I want you to know I am listening and I will make it happen as much as I can.

Rosemary Sinclair: Thank you, (Maggie).

(Olivier): Thanks, (Maggie).

(Maggie Cerrard): Bye-bye.

Cheryl Langdon-Orr: Bye, (Maggie). See you in Prague. Rosemary, I'm not online because my server is down and I'll be bugged if it's between 5:00 and 6:00 in the morning I'm going up to the office to read these - my (unintelligible). I apologize for not being in the Adobe Connect room now.

Rosemary Sinclair: Only in Australia, Cheryl.

Cheryl Langdon-Orr: (Unintelligible) apology.

Rosemary Sinclair: All right, well, perhaps if we move now to something that I'm sure will be far easier than that and might - the draft letter. Perhaps if I could make just a slight introduction to this.

When I got into the cold light of day and started thinking about the task I actually got myself quite confused about whether I was writing a letter for Stephane to send to the Head of the GAC or I was writing a letter for Stephane to send to the Board.

So in the end I did a version which I think can be changed slightly but in the essence the body of the letter works, I think, in both instances.

Then I had some extremely helpful feedback from John Berard and that's the feedback that you can see on the screen in the blue. So let me just table the letter and ask for any comments.

Steve?

Steve DelBianco: Thanks, Rosemary. I agree that it's a letter from GNSO. It's to the GAC. And I agree that how you referenced the underlying GAC interest, you've

referenced the affirmation as well as the Board resolution. I do think though, the second paragraph on the dates of the comment period can be simplified because May 8 has come and gone and the reply comment period is also over. Thanks.

Rosemary Sinclair: Yes, okay. We'll just indicate that it was reply comment period continued until the 8 of May. Are there any other comments from anybody? If not then I'll make that little change. And now it's a procedural question from me, do I send this letter as Chair of the working group to Stephane? And I think we're not proceeding with the Stephane to the Board letter.

So let me...

Steve DelBianco: Rosemary, it's Steve. And I was the one you guys had tasked with reaching out to (Bruce Tonkin). It was (Bruce) - and I said to (Bruce), would you please try to prompt the GAC to take a look at what we've done and for the GAC to frame its comments maybe around our draft advice instead of starting from scratch later on.

And it was (Bruce Tonkin)'s advice to get GNSO's Chair to send a letter to the GAC. And I think what you've got here is perfect for that. And I would recommend that you send it to Stephane and copy your whole working group. And remind Stephane that this is sticking up on (Bruce Tonkin)'s recommendation of having Stephane get it to the GAC as soon as possible.

And I do think you should link to the advice letter, the draft advice, but remind them that it's - a new version will be coming soon.

Rosemary Sinclair: Yes, and in fact I think on the third page there's a little background area and those links aren't live in this version but they're all there. That's just up on the screen now.

So I'll do the little intro remind Stephane about (Bruce)'s input on all of this and send that when we finish the call.

Okay, thank you for that. So now then that takes us back to our review of public comments. And I'm hoping that Berry can remember where we were.

Berry Cobb: Yes, Rosemary, this is Berry. So as I mentioned at the beginning of the call, I was not able to import the USG comments into here yet so those are in a separate document.

And the other change that you'll see is that our comments and our response and any proposed recommended actions from the Costa Rica session have also been included in here.

So where we've left off from our last call, we had made it through consumer and we made it through consumer trust definition. And you can see our recommended actions there.

And there is one comment left from Costa Rica from Ray Fassett that we should maybe consider just to close out the consumer trust definition section. But it - you'll allow - we don't have to do it now because obviously there will be additional entries coming from the USG.

So to pick up where we left off from our last session with the first element with respect to consumer trust metrics and the INTA comments.

In the recommended actions section is a draft of possible change to our definition - I'm sorry, for one of the metrics that are listed there and that's where we left off.

Rosemary Sinclair: Okay, so - and is it the highlighted - sorry, Berry, Rosemary here. Is it the area that's highlighted in red that we just need to come back to before moving on?

Berry Cobb: It - the one area highlighted in yellow, which I believe was (Olivier)'s recommendation that we include the at least measure experiences. And as well as (unintelligible) from the INTA that was a suggestion that we get into the granular detail of registrant experience with regard to cyber squatting.

And it sounded like we wanted to shave off some of the details with that and make it a more general statement instead of narrowing down with the inclusion of trademark owners, the reference to cyber squatting, etc.

Rosemary Sinclair: Yes, that's right. It's all flooding back to me now. Thanks, Berry.

Berry Cobb: And then one last thing, we were proposing adding a findings annex that would provide more details if we thought that that needed to be required.

Rosemary Sinclair: Yes, okay. Right, so the first thing for us to do on this call is just to have a look at the suggested text in regards to the cyber squatting, which raises - it takes us back to that discussion about whether to get very specific about trademark owners as one form of registrant or whether to move as we have done in the yellow highlighted text to the broader formation of registrant experience.

So are there any views on that? (Olivier)?

(Olivier): Thank you, Rosemary, it's (Olivier) for the transcript. I actually followed up on my self appointed action item last time which was to ask the at large advisory committee what their point of view was on having intellectual property, right owners as being a special type of registrant. And the response was not very positive.

Rosemary Sinclair: Resounding though.

(Olivier): Sorry?

Rosemary Sinclair: It was resounding though.

(Olivier): Well, I'm coming into that. I thought there was going to be some understanding from some members of our community but it appears that they just turned out and said, no, they just have to be like everyone else and there's nothing special about them.

Rosemary Sinclair: So that would mean that we go with the construction of registrant experience knowing that a particular self identified group of registrants, in fact trademark owners, if they are not having a good experience will let us know.

So any other comments on that? I - in general terms I think it's better to go for the broader construction myself. If not then...

Michael Graham: Yes, this is Michael Graham. I'm just - for the transcript. I wondered - and I do not recall the conversation so I will phrase this as a question. Do we want to limited this as registrant experience? Or should this be registrant and Internet user experience?

Cheryl Langdon-Orr: Should be the later.

Rosemary Sinclair: Should be the later, yes, you're right.

Michael Graham: Okay, and I think that addresses too, (Olivier), everyone is their own special interest group when it comes to being an Internet user. So that would cover everyone I believe.

Rosemary Sinclair: Rosemary here, that was a good catch, Michael. So in fact now we could move to the next item, I think, Berry.

Berry Cobb: Just one more question, so with respect to how we display the definition within the advice letter, will we stop at the wording of before the gTLD

expansion and then the survey could at least measure experiences with everything that we've mentioned including Internet user down in the finding annex?

Or do we want to keep them as one measure within the advice letter?

Rosemary Sinclair: So let me understand what you're suggesting. So the suggestion is in the advice letter, we stop with the first sentence really, (unintelligible) consumer trust in DNS relative to experiences before the gTLD expansion full (unintelligible).

And then the suggestion as I'm understanding it is that the detail of what the survey could at least measure goes into the findings annex. Is that the suggestion, Berry?

Berry Cobb: That's what I kind of recall from our last meeting but, of course, this is a working group decision.

Rosemary Sinclair: Sure, no, I was just getting clarification. Steve?

Steve DelBianco: Thanks, Rosemary. As Berry indicated earlier on the call, I mean he along with the rest of us have probably read the US government comments and I brought up some of that when we had (Maggie) on the phone with respect to four additional metrics to capture.

But we have already sort of skated past the consumer trust definition section, it's right in the table just before the beginning of the consumer trust metrics.

And I wanted to point out that the consumer trust definition was subject to a pretty significant change request in the US government's comments. They wanted to expand and that's what we had, right. That they expanded with an extra two sentences raising the sort of magnitude of what we would measure in the definition of consumer trust.

And all of you have access to that. As Berry said, it wasn't trivial to cut and paste that because it comes from a PDF. But we were about to depart from the definition of consumer trust but at some point we will have to come back and address whether we're going to accept any of the modifications that the USG had recommended.

For my own part I think their recommendations are pretty good except for where they delve into this notion of determining costs and benefits because I believe that's a little bit beyond the scope of the affirmation and the review to actually try to quantify costs and benefits.

But I do think that they made some constructive suggestions about the consumer trust reflecting the confidence that Internet users have in the overall DNS and in registry operators and registrars efforts to curtail abuse including respect for IP rights, Michael Graham should like that, avoidance of fraud, crime or other illegal conduct as well as confidence in ICANN's ability to enforce requirements opposed on registrars and registry operators.

So I think some of what they suggested most of us will find acceptable but we have to put a bookmark at least to consider that if, probably on our next call.

Rosemary Sinclair: Rosemary here. Yes I was thinking about this before we started the call about whether we should just go right back to the beginning now that we've got the U.S. government views on things and incorporate that as we go, but taking account of Berry's point about the difficulty just because of the mechanics of the document.

My own thinking is that we should just press ahead, bearing in mind that we will have to come back and do the whole thing again if you know what I mean because of the substantive nature of these comments. By the time we're doing that we may have an indication from the GAC about their processes as well.

But I think the only way we can complete the task in the timeframe is to deal with all the other public comments that we've got in our tool, knowing that when we've done that we've then got to come back and look at these U.S. government comments.

So let's just make sure that we're all happy with that as a process over the next few weeks. Are there any comments on that way forward?

Steve DelBianco: (Unintelligible).

Rosemary Sinclair: Okay. Thanks. So that would mean then we just press ahead through all of these suggested comments knowing there's a big bookmark on the page that when we've done that we go back and do it again if you like with the U.S. government and any other GAC member comments that we may have received.

Okay. So I think we go ahead now Berry.

Berry Cobb: Okay. Thank you. So just to clarify again about our, the proposed change to the definition is it acceptable by the working group that the survey could at least measure experiences, etc., go into the findings index or do we still keep this as one definition for now, as one whole definition?

Michael Graham: This is Michael, for the transcript, Michael Graham. I think my recollection was when we were discussing putting some of this information into the findings annex it was when we were getting into the point of creating quite a substantial list of possible considerations.

Whereas the list as I read them here in the possible revision up until the red highlighting seems to be quite reasonable and seems to be a clarification and amplification of what is said in that first sentence, and I believe that if that

were moved to a findings and actually first sentence on its own does not provide sufficient information to make this a meaningful you know proposal.

Rosemary Sinclair: Okay. And so that would mean that we leave the expanded version in the advice letter. Any other views on that? If not then let's go with that position that we leave all of it in the advice letter. Thanks Berry.

Berry Cobb: Okay. Our next comment is from INTA as well and they were suggesting another change with respect to the related incident of notices issued to a registry operator for a contract or policy compliance matters and the second relative incidence of breach notices issued to registrars for contractor policy compliance measures.

Their comment was lower than incident and legacy gTLDs is far too low a bar for a target, this assumes that any improvement over legacy gTLD is a success for each of these metrics the target should be a stated percentage lower than the legacy gTLD and this is with respect to Page 7 of our advice letter metrics number 6 and 7.

Rosemary Sinclair: So Rosemary here, this is certainly an issue we worked over whether and if so what numbers to associate with these metrics. Are there any reactions to the suggestion that we include a stated percentage such as 50% lower?

So I think I'm getting a (Jonathan)? (Jonathan) you wanted to make a comment?

(Jonathan): Sorry I was on mute. Yeah I mean I'm definitely philosophically inclined to agree with trying to come up with those numbers, and I, and probably by setting a number in there that can be a point of debate as this advice is made about whether that's the right number.

But I think as a working group it behooves us to frame the question as a more concrete number in order to make the debate about what's the right number

rather than accepting the idea that it's just a relative change equates to a success.

Rosemary Sinclair: So (Jonathan) have you got a suggestion about the number, because I agree with the principle but I always just get stuck that whether the number should be 20%, 50%, 30%, because...?

(Jonathan): Well and again, I mean my overall concern if I could just take a step back from that question, is that this working group make the perfect the enemy of the good.

I think we have very low likelihood of producing some report that no one's going to object to any of the numbers in and so I'm perfectly happy throwing a number out like 50% and then letting that be a topic for discussion once we've published this advice, I mean let's make that the debate, I mean the growth that that will represent for ICANN as an organization if we're having a debate about whether the decrease should be 30% or 50% will be amazing.

So I mean I say let's say 50% and I mean I'm less worried about defending that number.

Rosemary Sinclair: Yes. Okay. Good.

(Jonathan): Let's just have the discussion in real time as opposed to trying to hard to anticipate what will be acceptable to the community. And I guess I'm going to say that frequently, I mean I think we're trying to provide a framework for having these discussions and that ultimately no matter what numbers we put we're going to end up discussing the specifics of them.

Rosemary Sinclair: Okay. That's a good point. Steve?

Steve DelBianco: Yeah thanks Rosemary. To (Jonathan) (unintelligible) point let's put this in terms of real numbers. Does anybody know how many breach notices ICANN

issued last year? Is it on the order of 10, on the order of 100, on the order of 1,000?

Rosemary Sinclair: Tens I would have thought, no 10. (Unintelligible).

Man: (Unintelligible) now you ask.

Steve DelBianco: Yeah. It's very, very low.

Rosemary Sinclair: Yeah.

Steve DelBianco: And in that respect we, I mean if it's ten, if it was ten last year and then in the new year we have 1,000 gTLDs instead of just 20, would we really expect there to be only five breach notices? No, it's all about relative incidents, so if there were ten breach notices last year for 20 gTLDs we're saying that the relative incident, so it's a function of the total and if we had 1,000 new gTLDs in the route the rate of ten out of 20 would say 500 and at 499 they'd be lower than the relative incidents, you know of the legacy gTLDs last year.

Well I have a feeling that 499 breach notices out of a thousand new gTLDs will not be perceived as success in achieving consumer trust, that would be a disaster right.

So I'm just writing through the actual numbers and thinking that, and Berry you just answer do you think it's roughly 14, right? Okay. So it's still in the order of ten, so I think that I'm starting to come around to Michael Graham's point of view that we audit set that to be significantly lower than the relative incidents in the legacy gTLD space because the, it's a relatively low number of complaints but it's spread amongst just 20 gTLDs.

Now Berry is it possible that of the 14 breach notices they didn't really, they were focused or concentrated on just a few gTLDs as opposed to scattered among the 20 that we have?

Berry Cobb: This is Berry. If I'm reading this correctly this is only within the scope of registrar compliance breach notices, I don't believe outside of the .jobs thing there was anything registry oriented.

Steve DelBianco: Got it. And when you measure registrars if there were 14, let's suppose there was 13 of them because one of them was the .job, so 13 were registrars, there's roughly 800 registrars in the legacy space, so 14 is not relative to 20, 14 is relative to 800 registrars, isn't that the correct percentage?

Berry Cobb: Yes. And the number is actually about 900 but....

Steve DelBianco: Okay. So 14...

Berry Cobb: ...point well taken.

Steve DelBianco: ...out of 900 or something in the neighborhood of 14%, 14 out of 1,000, 1.4% excuse me. So Michael Graham let me ask you then, so given the real numbers that we have and it looks like 1 out of 20 with legacy registries, 14 out of 1,000 for the registrars the 50% cut would be significantly low, I mean it would be very tiny percentages.

Michael Graham: Yeah this is Michael. I don't know the answer and I don't have the advantage of having been involved in the earlier discussion of what it should be. Two things, one I think what you were saying Steve is correct that this should be stated in terms of relative incidents rather than absolute incidents because there's no way I would, it would be a dream for it to be lower incidents to your number.

As to what would be the appropriate number, 50% lower, 30% lower the sort of fall back that I could think of would be if we suggested in the advice that it should be substantially lower or significantly lower, and then to give as an example, which is what we were giving the INTA comment as an EG rather

than an absolute figure, 50% lower, something that is a significant stated percentage, that's a real target to look at.

And it's sort of hard to have a target where you don't have the history but if we could utilize, well we don't know what the effect is going to be and so perhaps that is still the best way to express it either substantially or significantly or at some other term rather than just lower than to suggest what might be a percentage to look at.

As you say it would be a tiny, tiny percentage at least in the area of registries one would hope, but we don't know what I think either the change in bringing in all of these new registries might have on that figure, which might be a dramatic change the wrong way.

Steve DelBianco: If I could follow up for registries if it was one out of 20 last year that's 5%, for registrars if it was 14 out of 1,000 that's one and a half percent. All right. So and...

Michael Graham: Right. So going to the new registries that would be looking at the absolute change, let's just say it's going from 20 to 2,000 that would be 100 incidents would be the same so a 50% change would be 50 incidents out of 2,000.

Steve DelBianco: That's right.

Michael Graham: Think that's an unrealistic figure to shoot for?

Steve DelBianco: Yeah it's not unreasonable. And on the registrar side we may not see that many new registrars in the new gTLD space, for the most part it's the existing registrars plus any new registrars that are spawned as a result of vertical ownership particularly in the dot brands. And one and a half percent on the registrar side may not change at all, that still might be in the neighborhood of 10 to 20 incidents.

I'm amazed Berry that it's that low, the number of breach notices, that may reflect that compliance is doing a lousy job I don't know, but for all the complaints we hear about registrars to only have 14 complaints in an entire year, 14 breach notices in an entire year seems very surprising.

So where are we now, we're on the point of whether to put a percentage in or to say words like significant reduction or leave it alone?

Rosemary Sinclair: (Jonathan) did you...

Man: Or both.

Rosemary Sinclair: ...want to come back in at this point?

(Jonathan): Sure. I mean I guess part of the problem that we're facing here is that breach notices themselves are a function of what might be considered inadequate enforcement, right? So I mean as a measure the 14 is probably not reflective of what probably should've been the situation under the current circumstances and it's probably artificially low, which I think makes it difficult for us to come up with a number for this particular measure because I think the baseline from which we're trying to operate is probably not that valuable.

You know there probably should've been more breach notices.

Rosemary Sinclair: And Rosemary here, it takes us back to that point that (Maggie) made earlier about different sorts of measurements at different points in the compliance process and where our conversation is taking us right now is that we would want more breach notices as evidence that the whole compliance process is working rather than a substantial decrease on what we're saying is an artificially low base.

The other point that I just wanted to make was that in our discussions around these numbers previously we kept having to remind ourselves that not only

do we make comment in our draft advice about measures or metrics. There is that issue of the targets over three years.

So it's perhaps at that point, you know over three years you want this particular metric to be 50% lower than current incidents, that's just by way of example of reminding us that we have that complication in our consideration of all of this as well that we've got three year targets to be thinking about.

So I think on this one are we saying that we will stick with relative incidents, now where's my (unintelligible) construction of rather than have 50% significantly lower, but then if we think we've got an artificial floor in the first place then significantly lower is not what we want.

Perhaps if I stopped (unintelligible)...

Steve DelBianco: Rosemary?

Rosemary Sinclair: ...comment, yes?

Steve DelBianco: Yeah Rosemary this is Steve, remember that this is not a comparison to 2011, this is a comparison, a contemporary comparison, the way we've written it on Page 7 of our table was that you get the third year out and you would compare 2015, the year 2015 and look at the relative incidents in the new gTLDs and we said that the new gTLD should be lower than the same year incidents in legacy gTLDs that are operating in 2015.

So if in fact compliance is issuing a lot more breach notices they would be doing so on both new and legacies and the artificial floor will have ceased to become an issue because we're not looking back to 2011, we're looking concurrently between the new and the legacy and cut the knot here I would recommend rather than a 50% I'd recommend saying significantly lower and of course we're going to keep it relative, that's always been our intention.

Rosemary Sinclair: Okay. So do we have consensus then around significantly lower rather than an actual number? So I think we're doing affirmations by (unintelligible). (Jonathan) do you mean to have your hand up at this point? No. Okay.

Michael Graham: This is Michael, I mean it would be good to have some figure if the group thinks that significantly lower is something that still retains meaningfulness I would agree with it.

Rosemary Sinclair: I think that with the pics in the (indeed) box I think we're hitting, we've got a position on significantly lower without the number, have I captured correctly? I think so. Okay. So we'll go with significantly lower so we can go, move to the next point, thanks Berry.

Berry Cobb: Okay great. This comment is also by INTA with respect to the relative incidents of UDRB complaints before and after expansion. They refer to seeing the above, which I think was kind of the same logic, but also may need to aggregate with the URS or port both separately in the aggregate to compare apples with apples and to the availability of the URS is intended to reduce the quantity of UDRP cases even where problems are at a same or higher level.

Relative incidents should be calculated by the total number of UDRP or similar domain name proceedings, ergo UDRPs filed in the legacy gTLDs from January 1, 2000 over the total number of domain name registrations registered in the legacy gTLDs from January 1 of 2000.

Rosemary Sinclair: Rosemary here. Before we take discussion on that point if I could just make a general point, I thought it was very instructive in discussing the last point when we actually pulled the numbers, the current numbers out, it makes the discussion much more concrete.

So I was wondering whether we could ask Berry where ICANN does have numbers for the metrics that we're suggesting, whether they could be

included in the comment box so that as we go through the rest of the tool we've got those numbers before us, or is that a mission impossible task Berry?

Berry Cobb: This is Berry. When we start getting into these probably closer to mission impossible and there's a, there's two slices to this pie, one we have all of the UDRP providers out there, which there are three or four or five, I can't remember the last count, they have their data for the quantity of UDRP complaints filed.

Whereas the only thing that I believe ICANN has access to is if a UDRP complaint is one, and the domain doesn't get transferred ICANN then typically would receive an in bound complaint stating that the domain was not transferred and those numbers certainly I don't believe will relate to the significant numbers across the UDRP landscape, so in terms of getting access to those as easily as I did with the breach notices is going to be much more difficult.

Rosemary Sinclair: Okay. Thanks for that. But in general terms if there is a metric where it's easy as with the breach notices to get the number if you could do that for us I think that would help our discussions. Steve?

Berry Cobb: Okay.

Steve DelBianco: Rosemary it's Steve. Michael makes a compelling point that the URS is designed to be a substitute for UDRP. And as such if you just counted UDRPs in the new versus the legacy's you might conclude that the new is performing better when in fact the URS's are absorbing a lot of cyber squatting.

So Michael I am convinced that you're right, that we need to include URS and UDRP and this is not a look back so I don't buy the stuff about going back to a date, this is a contemporary comparison in the year of management, so you

would say 2015 you'd count the number of total URS and UDRPs in the new space as a percentage of the total domain, and then you would compare that to the total UDRPs in the legacy gTLDs as a percentage of their domain.

There won't be a URS and the, well there won't likely be a URS available in the Legacy gTLDs, I think you understand that it's only available in the new.

So I would agree with Michael that we should combine URS and UDRP but we don't need to get into the stuff about looking back to the year 2000 since this is a contemporary comparison of new versus legacy and we don't look back.

Michael Graham: Steve it's Michael for the record. I'm looking at the bottom of Page 7 however and it's the relative incidents of UDRP decisions against registrant for and after expansion. So that would take into account the current numbers I believe.

Steve DelBianco: Yeah. The words before and after expansion this was nothing you could not have known, those words were something we had been using frequently to try to focus everybody's attention on comparing the expanded TLDs to the old ones.

But if you read across to the fourth column in that table the way that we've proposed the three-year target was it would be lower than the incidents in legacy gTLDs, and whenever we wrote it that way that is always a current year comparison.

Now on the next page, on Page 8 you'll see that we do say that there ought to be a declining incidents in URS complaints over time, right, declining incidents from year two to three. So the definition of the words before and after expansion is unintentionally misleading, it might lead you to believe that we're proposing metrics that measure changes over time there, but the way

the metric is described in Column 4 it was a simple contemporary comparison between the new and the legacy space at any given point in time.

Rosemary Sinclair: So that perhaps takes us to a clarification does it around documents?

Michael Graham: A clarification and a complication I believe because I think the INTA comments we're taking that as you well point out Steve, as meaning looking at the current situation in terms of UDRP complaints within the legacy, and this is why the formula was created that they were looking at.

And then looking down the line one year, three years, at the relative incidents of UDRP and URS decisions and complaints the idea being that if consumer trust is being enhanced then the number of these complaints and cyber squatting type of issues to the INTA constituency at least should be going down, and that would increase their trust certainly in the system, I and also they believe the consumers trust.

So with your explanation I'd have to go back and take a look at this again to see I believe what it would mean from the INTA perspective would be that perhaps at least one or more relative incidents before and after the expansion would be appropriate to demonstrate whether or not the expansion did satisfy, you know the AOC in creating increased consumer trust and as to this type of intellectual property.

Steve DelBianco: Yeah Michael this is Steve it'd be great if you could do that because we did constrain ourselves to measuring the expansion by understanding how well the expanded gTLDs performed, not the legacy gTLD.

So the trick was how to compare and three years out, I mean I would just ask you to ask INTA if three years out if the relative incidents of, and I'm accepting your point that it's URS plus UDRP, if the relative incidents of URS and UDRP complaints and findings in the 2000 new gTLDs is lower than the contemporary incidents in the 20Gs I would be amazed.

Let me explain why. This is a relative incidents, not as relative to the total number of gTLDs but the relative incidents measured on domains. So there are hundreds of millions of domains in the legacy gTLDs, and there probably still will be by 2015.

And so you divide the total number of UDRP complaints in the legacy gTLDs and divide it by 800 million domain names you get a very tiny low number, and our goal is that in 2015 the relative incidents of URS and UDRPs in the new gTLDs be actually lower than that.

And since the new gTLDs are in ramp up stage as people are out there buying new domain names, there may be genuine mistake in cyber squat and it gives rise to URS and UDRP because people are buying lots of new names as they ramp up.

So I realize you have to take each one of these rows in and of itself and you analyze it carefully, I think there's a pretty good chance that if the new gTLDs came in with a lower relative incidents that would be, that would be pretty heroic. Thanks.

Michael Graham: So Steve, Michael again. Thank you for that explanation, I think you're making it very clear, and just so that I am clear and I will go back and review this with the committee, the real measure as you're expressing it is at a particular point in time the number, or well the relational number that is occurring within the new gTLDs as opposed to the relational numbers occurring at that time in the legacy gTLDs correct?

Steve DelBianco: You got it, in the relational the denominator is the domains not the gTLDs.

Rosemary Sinclair: Rosemary here. So I think perhaps if we split this into two we take the point now that we're needing to include URS as well as UDRP and we're

leaving Michael to confirm with his group that the measure, the relative incidents that we're proposing meet the need, have I got that right?

Steve DelBianco: I think so.

Michael Graham: Yes.

Steve DelBianco: I did, and I did want to record and see if anyone else agrees that Michael's first point is that URS are substitutes for UDRPs and I would hope that our working group can agree with Michael on that that we ought to be combining them on the bottom of Page 7, URS plus UDRP in parentheses rather than just UDRP.

Rosemary Sinclair: Well certainly from my point of view I thought that was the, an important point. (Tobias)?

(Tobias Marler): Yes. Maybe I'm misunderstanding something there but is there a possibility that someone would launch both a UDRP and a URS, that would be a URS first and then a UDRP later in the same case? Because in the URS you can get the suspension, so the domain name with them is suspended isn't it? So as a right holder I would probably first go for a URS to, just to spend the domain name and have a quick solution for the problem, and then afterwards if I can't, if that's not enough go for a UDRP. But perhaps I'm misunderstood, thanks.

Michael Graham: This is Michael. (Olivier) it's possible I suppose the problem is that really the two types of procedures are addressing different things and winning a URS may prevent you from being able to succeed in a UDRP and so far as you're no longer using the domain name in bad faith since it's been suspended.

So I think it would be quite rare that you would have both of those proceedings against the same mark, same domain name, I suppose it's possible but it'd be difficult to foretell at this point and it's certainly not

something that I understand has been anticipated in the domain name enforcement community.

(Tobias Marler): Okay thanks.

Rosemary Sinclair: Thanks (Tobias). So we've got consensus I believe on broadening this point to relative incidents of URS and UDRP complaints to pick up the INTAs comment, we should combine those two.

Steve DelBianco: Right. And we might well need to strip off the words before and after expansion, I believe that is a relic and it is confusing because it doesn't match the way we've designed our three-year target.

Man: Yeah.

Rosemary Sinclair: Okay. So that's the second point, so we take out before and after expansion and then we're just leaving the further discussion about the legacy gTLDs with Michael to come back to us.

Steve DelBianco: That's right. And it also highlights that when we said the word relative incidence, we explained this in our document back on one of the earlier pages. But relative incidence is sometimes relative to the total number of registrations, and sometimes it's to the total number of registrars contract parties, sometime relative to the total number of registries.

Rosemary Sinclair: Yes.

Steve DelBianco: And we ought to clarify that. It's pretty self-evident when you look at the metric. For instance, breach notices don't have to do with registrations, they have to do with the parties running things. So you look at registrars, you look at registries.

But things like UDRP and URS are more to do with the actual registrant population. They're the ones that are squatting.

So I think we probably ought to clarify. And Berry knows what I'm talking about, each one of these rows, when we say relative we probably need to clarify relative to total registrations or relative to registrars or relative to registries.

Rosemary Sinclair: So let me just check firstly we've got consensus on that. I think we do. And now let me go to Berry and just ask Berry. Are you clear, Berry, on what we're asking you to do on these points?

Berry Cobb: I think so. Let me attempt to summarize.

And I think this really accomplishes Number 13, 14 and 15 of these comments. But if I understand correctly that, A, we're going to combine UDRP - or relative incidence of UDRP and URS complaints. We will remove before and after expansion. But the end state to this will be instead of four specific metrics -- as we have in our Advice Letter now -- it will be consolidated into two. And the difference between them will be the relative incidence of UDRP and URS complaints versus relative incidence of UDRP and URS decisions against a register.

Steve DelBianco: I think so, Berry. But we may well leave some rows in there if they measure the decline over time. But I get your point. There were two rows in there that said, "URS complaints declining over time." That doesn't work anymore since sometimes URS could be substitutes for UDRP and the decline could just be because URS isn't working anymore as opposed to being effective.

So folks, Berry's talking about the fact that on Page 8, the third and fourth rows of our own Advice Letter on Page 8 may need to come out or be changed to be URS plus UDRP declining over time.

Rosemary Sinclair: So that raises a question -- pardon me -- Berry, is it possible for you to capture changes that relate to Page 8 in a document as we go through so that we can make sure that the front of our Advice Letter and the back of it are actually coherent?

Berry Cobb: This is Berry. I am capturing what changes we will be making to the Advice Letter within Column 4 and specifically calling out the task. Up to this point I haven't been making those changes to the latest version of the Advice Letter itself.

Rosemary Sinclair: Okay. Well we just all should be mindful that at some point we've got to look at the whole document to make sure that it's coherent in all its parts. There's various things, you know, (trek) through definitions to metrics, to targets and so on.

Okay, I think we can move on to the next point, which is 16, I think. Done 13, 14, 15.

Berry Cobb: Yes. And, Rosemary, so hopefully our 5th June session will be exactly what you just discussed. We'll have the exercise where we'll have the latest draft Advice Letter with the track changes as correlated with the agreed to changes from our public comment matrix so that we're aligned to make sure we got all of our changes covered.

Rosemary Sinclair: Right. Okay, so the next point?

Berry Cobb: And so just so it's clear again, 13, 14 and 15 were all combined together, so we're moving on to 16, again, by INTA. And this may be a quick one as well, but these were specific-type changes.

Our UDRP and URS do not capture a large part of the contentious matters involving domain names. We therefore believe in accurate measurement of

conflicts due to the new gTLD program should include this measure, as well as that for UDRP and URS.

So I think these were actually - this is a new proposed metric. Again, the quantity and relative incidence of litigation complaint, the source is litigants and/or survey provider. The difficulty is moderately difficult, as it would require self-reporting in addition. Or in the alternative information could be gathered by a survey.

Rosemary Sinclair: Thanks Berry. Are there any comments about this point?

Steve DelBianco: This is Steve. Could I ask Michael to educate us all about the likelihood that we would be able to get that self-reported data, as well as any risks that the self-reporting would be accurate?

Michael Graham: This is Michael. Yes Steve, I believe the likelihood would be high that we would be able to get this information at least from the INTA community. The accuracy of that information unfortunately would be limited by the fact that non-members may or may not report this information.

There are a few, but extremely few organizations that track litigation across the world, which makes it very difficult outside of INTA or one of the other international organizations to obtain this information.

Steve DelBianco: And Michael, what percentage of the time do your members file complaints without also doing a UDRP?

Michael Graham: I don't have a good figure for that. But if it's considered to be a trademark infringement, in certain cases -- with my clients, at least -- we would go that direction rather than the UDRP because that only solves part of the problem.

But it is possible. And so this type of litigation either - and to back up a bit, since the very first days of the UDRP, the comparison within the intellectual

property rights community has been do I file a UDRP or do I file an ACPA, which would be an anti-cybersquatting litigation.

And both types of cases have been applied in different types of situations. And so the feeling from INTA was that in order to measure the effectiveness in terms of trust, we're looking at the UDRP and URS systems and using those figures to determine whether or not it's a more trustworthy environment.

But at the same time, if we ignore or do not consider the number and relative size of litigation arising from and relating to these new domains, we are not having a complete picture of the trustworthiness of the environment.

Steve DelBianco: Rosemary, may I just add one final through?

Rosemary Sinclair: Sure, Steve.

Steve DelBianco: The good news is this is Number 16, 17, 18 and 19, so we can group all these together. And I concur with Michael Graham that if there are trademark actions taking place that are not captured by the UDRP/URS statistics, that ideally we'd love to have that.

And if Michael can propose a mechanism by which ICANN could learn -- with some amount of reliability -- the amount of litigation that's brought and that get measured every year, once a year, maybe INTA and other groups could even propose a way of doing the survey themselves and turn that data over to ICANN.

Rosemary Sinclair: Yes.

Steve DelBianco: That I'm persuaded that if the - if we can come up with a plan to get the data, then I would be in support of adding metrics to this effect. But I would also ask Michael what kind of a goal do you have on this? Is it a (decline) or are we measuring it relative to the (G)s at the same time?

Michael Graham: This is Michael again. Steve, thank you.

It would be relative, it would not be an absolute number. So what we would be looking for is a relational decrease in the number of conflicts that are arising within the domain name space as a result of the expansion.

And I am certainly, you know, having raised this issue, I am certainly happy to go back to INTA and discuss with that committee whether or not there are some means that we could suggest and that INTA and other organizations could be instrumental in putting together to - to put together this information. It would be useful not only for the ICANN community, I think, but also for the intellectual property owners' community.

And then one final thing. Insofar as I was not involved in the drafting of these particular proposals, I think there's room within these four to combine them into perhaps one additional - or maybe two additional metrics.

Steve DelBianco: Like complaints as well as adjudications, right?

Michael Graham: Right.

Steve DelBianco: As opposed to having separate ones.

And you weren't proposing combining them with URS and UDRP, but these were new rows in the metrics table, right?

Michael Graham: These would be new rows, correct. So it would look in the same way that we're going to be looking at the UDRP/URS process is we'd be looking at this litigation process and make the same sort of comparisons. That would be the way I would view it.

Steve DelBianco: Yes. And I would say that if INTA can suggest the mechanism by which the data would be gathered, it really increases the likelihood that this gets accepted not only by the working group, but then also by the ACSOs and the Board itself.

And they don't have to have an answer on that right away. That answer might not come until June or July. But as long as it's there before the Board sees it, they'll be able to understand that if they took your advice to add these metrics they wouldn't be incurring a lot of extra costs to go out and learn what the data is.

Michael Graham: Right. And what I would do, Steve and Rosemary, in that regard is go back and at least be able to come back and in the source information be able early on to refer to, you know, it being developed within that community, and then eventually have something firm that would be proposed.

Rosemary Sinclair: Thanks Michael. Rosemary here. So I think the action for these four, have I got right? Sixteen, seventeen, eighteen and nineteen is for Michael to come back to us with a combining of those so that we've got a new metric, which in a sense is taking us one step further in the compliance process. Although I know there's an element of choice about not using the internal ICANN process, but using external processes.

But this is part of the ecosystem of consumer trust. So we firstly need that metric, and then an indication of how the data could be collected.

So for those four items, 16, 17, 18 and 19, if we can leave that with you Michael to come back to us.

Michael Graham: Yes. And I will get together with my people hopefully and by next Tuesday - are we having another call next Tuesday? Or is it...

Rosemary Sinclair: We are, yes.

Michael Graham: Okay. Hopefully I'll be able to have answers on this and also the earlier questions on the UDRP by Tuesday.

Rosemary Sinclair: Great. Thank you.

So now let's move to Item 20.

Berry Cobb: Give me just a second. I'm trying to catch up on...

Rosemary Sinclair: That's okay, Berry.

Berry Cobb: Okay, the next metric is also by INTA. And this is with regard to our current metric on Page 8, Metric number 6, Quantity of Spam Received by a Honeypot Email Address in Each New gTLD.

The comment is, "Lower than incidence in legacy gTLDs is too low of a bar for a target. It's assumed that any improvement over legacy gTLDs is a success. For each of these metrics the target should be stated a percentage lower than the legacy gTLDs, 50% lower noting that - assuming that there are honeypot email addresses in all legacy gTLDs."

Michael Graham: Yes, this is Michael Graham for the transcript. And again, this is - the 50% lower was a figure that we had come up with there. And the only real caveat, to ensure that it's a real number that there are also honeypots in all of the legacy gTLDs. Thanks.

Rosemary Sinclair: So have we got any comment from the working group on this suggestion?

The suggestion really again is that we actually put a number out there, I think.

Steve DelBianco: Not a number, but a relative reduction, a percentage reduction, not an absolute quantity, right?

Rosemary Sinclair: No, no. I'm thinking 50%. So I think relatively lower, 50% for example, 50%.

Michael Graham: Right. And this is Michael again. This is pointing back to the earlier sections that we were talking about where we went with the language significantly lower. Again, if there is a good figure that we could come up with that would be tremendous, otherwise an indication that it needs to be something other than just lower in incidence. Thanks.

Rosemary Sinclair: So perhaps if we take that suggestion that we make our wording significantly lower rather than try and determine a number, we could deal with this comment quite quickly.

Any reaction to that suggestion that we include the language significantly lower in this item?

Great. So I think we'll go with that, Berry. We've got a couple of (ticks) - more (ticks) by the moment. So if we change the language there to significantly lower, then we've got consensus on that one.

Berry Cobb: Great. I've got that captured. Move on to 21?

Rosemary Sinclair: Uh huh.

Berry Cobb: Okay. This is a public comment from the Registry Stakeholder Group. "With regard to the measures of consumer trust on Page 7, the metric lower than incident and legacy gTLDs may not be realistic for determining relative incidence of notices issued to registry operators or contract or policy compliance measures.

"We believe that the incidence of notices for existing gTLDs has been quite low. We suspect considering the large number of new players expected to

enter the market for new gTLDs that it might be reasonable to expect a higher incident of such notices.

“A better metric might contain a range ergo plus or minus 5% of legacy gTLDs. One way of examining this further would be to request that the actual incidence rates for existing gTLDs over the last few years. If it is extremely low -- as we suspect -- using it might set an unreasonable challenging expectation for new gTLD. Also the requirements for existing gTLDs are not the same as for new gTLDs, so at a minimum any comparison done should note this in interpreting the results.”

Steve DelBianco: This is Steve, if I could get in the queue.

Rosemary Sinclair: Yes Steve, go.

Steve DelBianco: I believe this came from the registries. And I believe Chuck Gomes mentioned it in Costa Rica a well.

I think that the best thing to do is to explain - to go back to the registries -- if we could -- and tell them that to answer their question, there was really only one breach notice out of 20 gTLDs in 2011. One out of 20 is 5%. And ask them whether that 5% -- which could be as Michael described earlier, as many as 100 notices, you know, two years out, three years out -- to ask the registry constituency whether they really think like 100 notices is an unreasonably low goal.

It strikes me that that would not seem like an unreasonably low goal, 100. In fact, we might feel as if we have not delivered on consumer trust if we had something like 100 breach notices in the year 2015.

And, I mean, is it appropriate for us? INTA's on the call, so we're able to ask Michael to go back and get clarification. This is an incidence where if Jonathan Robinson were on the call for the registries, we'd be able to put it to

him and share that data and that perspective and see whether they would feel differently.

How would we, I mean, if it was worth doing so, we could do a direct outreach, explain the data and ask whether they still feel they want to go with the plus or minus 5%.

Michael Graham: This is Michael in the queue. Steve, I wonder too in reading this if...

((Crosstalk))

Rosemary Sinclair: ...for a moment, sorry. My phone battery is about to die. So I wonder if Steve would mind sharing the last few minutes. I'm sorry to (unintelligible) over you, Michael.

Michael Graham: Oh, no problem.

Steve DelBianco: Sure.

Michael Graham: I'm just wondering if perhaps his comment too in looking at the possibility because of the new gTLD registries coming online, the possibility that it actually would be a jump in numbers. It looks as though he's also reading that earlier statement in the metrics as meaning there's a comparison before and after or this is - oh no, shouldn't be on that.

Steve DelBianco: Yes, it's possible. And we earlier considered changing ours to not just lower, but significantly lower. And the registries are saying here, that it may not be lower because it's artificially low number.

And I really believe that the key here is a little bit of real data. And so Berry, before we would make an official outreach to the registry constituency, could I just ask staff to verify in the years 2010 and 2011 how many notices were issued to the registries. You know, if it is in the neighborhood of 1 out of 20

registries in each of those years, I think that data could go a long way to clear this up.

They actually asked that. In the last paragraph from the registry says, "One way of examining this further would be to request the actual incidence rate for existing gTLDs over the last few years."

So let's answer that immediately, and then use it to pivot off of where we go with this one.

Berry, can we ask you to take that on?

Berry Cobb: Yes. I'm sorry. I got it noted.

Steve DelBianco: And Berry, earlier on the call you pointed out that the jobs for each notice is something a lot of us knew about, and that's where we got the one in 2011. Does anybody on the call recall whether there were others in 2010?

Berry Cobb: Off of the top of my head -- this is Berry -- I'm going to say no, but I need to confirm to be sure.

Steve DelBianco: Okay. That makes the rate half as high. If it's really been one over two years, I know we're just measuring the annual rate. But in the year 2015 if the legacy gTLDs in the Year 2015 have zero breach notices, then you know what, it is impossible for the new gTLDs to meet that metric.

And Michael Graham, if you're listening you'll see the registries have a good point here. It's really hard to do better than zero. And the registries had zero in 2010 and may well have zero in 2012, '13 and '14, there's only 20 of them running.

So it might be better for us to examine the historical data and come up with a number like no more than 5% of the new registries should have any complaints in any given year. Be another way to do it.

Like Jonathan Zuck just posted in the chat, there you go. What do the folks on the call that are still with us, what do you folks think of instead of comparing it to the legacies contemporarily, setting a number like 5%, which was actually empirically (derived). Thoughts on that?

Michael Graham: This is Michael. I'd like to see those numbers again just in case there was a change. And this would be 5% of the registries or of the registrars?

Steve DelBianco: Well yes. The registries in the case of registry (unintelligible) and registrars in the case of registrar notices.

But the registrars, Michael, we think that the historical (number) is something in the neighborhood of 1 ½%. And we're going to get the real data. But if it was 14 out of 900, it's about 1 ½%.

Michael Graham: Right. So plus or minus 5%, I mean, that would be a high increase over what it was based on what you were just saying, right?

Steve DelBianco: No, no. When (Chuck) has plus or minus 5, I think you have to read that differently. That's not plus or minus five percentage points. That would be...

Michael Graham: It's (changed).

Steve DelBianco: Yes, exactly. Plus or minus 5% above or below.

So he's just trying to say the legacies should be in step with - the legacies and the news should be in step with each other. They should just be within plus or minus 5% of each other.

We're proposing on the later part of this call of looking at 2011 as the test year, getting the relative incidence rates from 2011 and baking them in to say that the new gTLDs ought to do better, maybe even significantly better than that.

And if we did it this way, folks, we would remove this relative comparison in 2015 between the new and the legacies. It's a different way to go.

Michael Graham: Yes. This is Michael. I think I'd have to think about that 5%, how that works into that.

Steve DelBianco: We're no longer thinking about (Chuck)'s plus or minus 5%. The 5% I gave you was the year 2011 had a - one complaint, one breach out of 20 gTLDs, that's where the 5% comes from.

I don't think that the registry's comment on plus or minus 5% would apply anymore if in fact we said the new guides had to be significantly lower than these two base rates of 5% for registries and 1 ½% for registrars.

You with me now, (Michael?)

Michael Graham: Yes, I think I see where you're going.

Steve DelBianco: Yes. The plus or minus 5% would go away because we're going to address the registry's challenge to get the actual data and bring it back.

All right. Now that brings us past our two hour mark. And I think we have another two hours scheduled a week from today, same time.

And Berry, I know you have tons of work to do. And at least the first time around when we did the draft advice the members of the working group took the pen a lot more and were willing to do that as well if, I mean, you're currently managing a couple of documents for us and it's up to you to let us

know whether you want working group members to take a more direct role between our calls every week.

Berry Cobb: (Unintelligible) be helpful - be much appreciated. And I think how we can accomplish that is maybe at our next call I will have the USG comments loaded in here and we can start at the top and make sure that we cover the comments that we hadn't. And as we complete each section, then the working group can maybe pen the next version of the document.

Steve DelBianco: All right. And we're up to 21 out of 67, so we're roughly 1/3 of the way through the total number of items that you flagged in your table. And that's before adding USG.

Berry Cobb: Correct.

Steve DelBianco: Okay. We got a lot of work left to do.

So if you come up with the right areas where you want to ask us to do editing, you know this group has been pretty hands-(off).

Berry Cobb: Absolutely.

Steve DelBianco: Okay. Hey thanks, everyone, and especially the staff. And we'll...

Berry Cobb: (Jonathan) has his hand raised.

Steve DelBianco: Go ahead, (Jonathan).

(Jonathan): Yes, sorry. I know everybody's trying to leave. But I guess it's just something to think about. I guess I'm increasingly concerned about breach notices as a metric - as a measure of success. Because I think -- particularly in the IT community -- an increase in breach notices would be a hallmark of more aggressive contract enforcement and might lead to greater consumer (trust) if

real action is taken against registries and registrars that are violating their contracts.

I think the (feeder) data for a number of complaints, and then maybe some other measure of, you know, people that have - as (Maggie) pointed out, people that have reached a certain phase a number of times and haven't received a breach notice or something like that, feels better than trying to ask for a decrease in breach notices.

I think we might be creating the wrong incentive for the Compliance Team if one of our measures of success is that they never sent any breach notices out.

Steve DelBianco: Yes, it's like the dilemma that you put more police on the street, they become a deterrent because criminals know they're watching and the number of arrests typically go way down where there's vigilance. Your point is that the decline in arrests might be due to laziness and not vigilance.

(Jonathan): That's right. And so there might be other numbers that better represent that there's more police or that complaints lead to breach notices, right, so that process is working might be something better to measure than just that there was a decrease in breach notices. Because - I don't know. I mean, it's a little cynical on my part, I guess. But if the program's going to be (just) a success in some measure because there aren't breach notices, then there'd be an incentive not to issue them.

Steve DelBianco: Right, but of course that's not the only measure, right? We discussed earlier on the call the complaints that come from the community at least had equal weight. And we're not putting all our eggs in the breach notice basket. It's important to note that the complaints are way up.

(Jonathan): I agree. I mean, so I guess I'm, I mean, I'm sorry to do this last minute. Like I said, it's just sort of striking me that maybe we, I mean, maybe the number of breach of notices itself is not helpful.

(Tobias Marler): This is (Tobias). Just jump in. I think I need to support (Jonathan) there. I felt this - all the time I felt that this was a bit strange.

I think it's very useful to have the number of breach notices. But then in terms of interpreting the data later, whether you actually say this is an increase or decrease of consumer trust is rather difficult and needs to be tracked in combination with other measures.

So perhaps one solution...

(Jonathan): I guess I'm even more cynical than that, which is that setting a target to decrease the relative number of breach notices, when in fact at least those of us in the IT community would like to see the number of breach notices go up feels like the wrong thing to put out there as a target for the compliance team.

(Tobias Marler): Yes. So maybe my suggestion for -- this is (Tobias) -- for solving this would be that we take a closer look at the target and look at areas where we maybe don't define any targets because it's not really meaningful.

I have the same issue with competition too. We can go back to that later.

So basically perhaps if we just look again at whether we actually want to define a target for the specific measure, that might be helpful. Because it might be very useful to collect the data, but it may be difficult to point out in advance whether the data will point in this or that direction so we can't really set a meaningful target. Thanks.

(Jonathan): (Unintelligible)?

(Tobias Marler): So that would argue - go ahead. Go ahead.

(Jonathan): Sorry. I mean, I guess - I firmly believe that we need to set measures for as many of these metrics as we can. And I'm trying to be very specific that in this case a decrease, when in reality we're looking for an increase is a very counterintuitive target, that's all.

Steve DelBianco: Berry, would you note in the table when we come back through this that for these two breach notice rows that an alternative view is not to specify a target. And then you can even cite the reason. You don't want to create an incentive for (lacks) enforcement. And that way the working group can consider that - it looks like we're going to keep the rows in the table. The only question is whether there's anything in the target column.

Michael Graham: Steve it's Michael, just very quickly. It sounds like this is a perfect sort of thing for the findings of facts-type of attachment that Rosemary, I believe, was talking about. Insofar as we put this out as something to look at and to measure with the finding of fact notice that it is unclear from this distance whether or not an increased number means that it is a decreased amount of trust or increased amount of compliance enforcement so that it may cut both ways and we would therefore advise the Review Team to take into account not only the raw numbers, but also the effectiveness of those programs.

Steve DelBianco: Quite agree. Quite agree, but I wouldn't move it to some other part of the document. I mean, we're going to have things in the Consumer Trust and Choice section for which we're asking for measures and we're suggesting they're important, but without suggesting a three-year target.

I think burying it in some Findings section ends up diminishing its importance when it's just as important as everything else in there.

Michael Graham: Okay, it's Michael. Yes, I'd agree with that as long as it's, you know, expressed. I think that addresses then, (Jonathan), to the extent we can from this distance your concern with that.

Steve DelBianco: And the registries would probably like that too given their comment they didn't like us trying to compare the legacies with the new.

(Jonathan): I mean, they may not like my rationale, but...

Steve DelBianco: I know. I know. All right, folks, we'll wrap it up. Berry, thanks a million. And thanks to everyone, we'll talk to you in a week.

Man: Thanks Steve. Thanks everyone.

Woman: Bye.

END