

**Consumer Trust Meeting
TRANSCRIPTION
Tuesday 12 June 2012 at 19:00 UTC**

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Participants on the Call:

Cheryl Langdon-Orr - ALAC
Steve DelBianco - CBUC
Olivier Crepin Leblond - ALAC
Rosemary Sinclair - NCSG / WG Chair
Tobias Mahler - Individual
Michael Graham - IPC
Jonathan Robinson

ICANN Staff:

Berry Cobb
Julie Hedlund
Nathalie Peregrine

Apology:

John Berard- CBUC / GNSO Liaison
Wendy Seltzer (standing apology due to conflict)
Carlos Aguirre
Rafik Dammak

Coordinator: Excuse me; 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 Kelly. Good morning, good afternoon, good evening this is CCI call on the 12th of June, 2012. On the call today we have

Cheryl Langdon-Orr, Tobias Mahler, Jonathan Robinson, Rosemary Sinclair and Michael Graham.

We have Olivier Crepin-LeBlond who will join us very shortly and Steve DelBianco who will join us for the second half of the call. From staff we have Julie Hedlund, Berry Cobb and myself Nathalie Peregrine. And we have apologies from John Berard, Carlos Aguirre and Wendy Seltzer.

I would like to remind you all to please state your names before speaking for transcription purposes. Thank you very much and over to you.

Rosemary Sinclair: Thanks Nathalie and thanks everybody. Perhaps if we go to the agenda now just quickly to review the open action items. Berry would you take us through that?

Berry Cobb: Yes, thank you Rosemary, this is Berry. The first one is to just update the next version of the comments, the survey review tool. And I just sent that out to the list, the word document so participants can follow along and take notes if necessary. And of course this will be a revolving action item until we finish the - the review.

The second one is to create a first draft of the PowerPoint for the Prague sessions that we'll give to the GNSO council and to the GAC. I did send out the first draft to the list earlier or late last week -- I can't remember when.

Basically, I think the original action there would only create four or five slides to make it short and to the point. The problem I had with that is in our longer version -- and there's very good quality contents there that provide background from how we got to where we're at now.

So I went ahead and sent out the full version to the list and we can trim down appropriately or as needed to make it shorter. And I imagine if not done the

13th, then the perhaps the 19th that we review through that and finalize the PowerPoint so that we can get it shipped out for Prague.

Rosemary Sinclair: Right, thanks Berry. The next item on the agenda is that of the comment from Wendy Seltzer which we didn't get to last time. Berry's put that comment further down in that part of the screen.

And I think - I think there's a very important point in the comment myself that perhaps we need to reference in the - the draft advice. And I think we were discussing similar issues coming out of the U.S. government's comments - response to the public comment period.

Anyway, so are there any other thoughts on that comment of Wendy's?

(Tobias): Yes, this is (Tobias). I think from my perspective Wendy's comment really make sense. And partly because of the - the reference to national laws which can be rather ambiguous basically it would have to be the applicable law.

But the applicable law can depend very much on the specific contexts. So for a criminal law can be one part, for private law issues between entities it can be another law and a third for tort issues.

And so usually I don't think I would expect compliance with all laws in the world. Rather, I think perhaps we can extract a bit from the laws and - and rather than referring directly to the laws refer to some - some kind of reasonable expectation of - of lawfulness or something like that.

And also in that context I think we should also mention human rights which need to be understood or read into the context of the laws. So if you for example look at (DOC-A) when registering something under (DOC-A) I wouldn't necessarily expect that (DOC-A) is compliant with all laws in the Saudi Arabia because there - there can be -- it's probably highly punishable there.

While I would expect (DOC-A) to - to follow some general rules in terms of the respect for other's rights and so on. So if we - if we add two elements, one is some kind of reasonable expectation of law - lawfulness or law abiding -- I'm not very sure about the wording.

And then second that the legal context of the applicable law has to be understood in the context of human rights. And in particular the freedom of expression then we would get quite a long way while still keeping that key - kernel element of legal compliance. Thank you.

Rosemary Sinclair: Thanks (Tobias). (Michael)?

(Michael Graham): Yes, I haven't had time to think about this deeply and especially that would relate to the second point that (Tobias) just made. However, I think that's the first thing that he said I think would be - be a very useful way of approaching it. And that is inclusion of a term such as applicable national laws.

Rosemary Sinclair: Yes.

(Michael Graham): I - I would have a bit of a problem with reasonable expectation in so far that it's such a Morpheus creature and expectation of -- especially a law may miss the mark entirely.

However, I think restricting it to applicable I believe addresses part of - part of the issue here. I'm not sure on the second part of his suggestion, you know, the terms in which this is understood in terms of human rights.

Now that's an ongoing issue worldwide in how a statement might be made. Perhaps that second point might be closer to what he ended up stating a reasonable expectation of protection of human rights, something along those

lines might be appropriate. Thank you. And I'm sorry I didn't introduce myself - (Michael Graham) for the record.

Rosemary Sinclair: Thanks (Michael), Rosemary again. Well, if we take the point and change complying with national laws to complying with applicable national laws in fact that term application national laws has been used in other ICANN work, so that's a - a known term rather than the reasonable expectation term.

So we could do that and before I go on, Jonathan?

Jonathan Robinson: Thanks Rosemary, just support for applicable national laws that makes absolute sense. There's no - no reservation about that. I just wonder whether we could rely on ICANN policies.

Or if I look at the wording and I think because - I think that - that point was it (Michael) or no, (Tobias) made about the - the human rights issues. And so I - I mean we're kind of stuck there because it's very difficult I think to cover all of those possible eventualities.

So I wonder if we - we consider escalating it up to simply ensure the registries proposed purpose (unintelligible) complies with ICANN policies. And we rely on ICANN policies to require the registry to comply with applicable matters and laws to respect human rights and so on. So maybe if we can consider cutting it short after ICANN policies...

Rosemary Sinclair: Yes.

Jonathan Robinson: ...then if we lose too much by doing that, but that's just a - a suggestion.

Rosemary Sinclair: Thanks Jonathan. The other -- just holding all those thoughts for a minute -- the other comment that we had very early on in our public comment period was from (Paul Trume) suggesting that we needed - our work needed to pick up the concept of innovation.

I think it was in - in the context of our definition on competition. And Wendy makes the same point. Her concern is freedom of expression and innovation. So we could not lose that second point and I was wondering perhaps rather than changing our definitions -- thanks Berry you've taken us to the (Paul Trume) comment in '68...

((Crosstalk))

Rosemary Sinclair: ...other measures of innovation, I'm wondering where the - the point that Wendy's making could be as included as a statement in the initial part of their draft advice, perhaps in the - the background area; rather than changing our definitions to somehow try to incorporate freedom of expression and innovation.

Cheryl Langdon-Orr: Cheryl here.

Rosemary Sinclair: Sorry, Cheryl?

Cheryl Langdon-Orr: I'm wondering why we think we need to include Wendy's words.

Rosemary Sinclair: Right.

Cheryl Langdon-Orr: And I mean it's recognized that she's a member of the work group but we do not include every other words that every other person has made comment on.

I am personally not happy with inclusion of anything that goes down the requirement to define rights such as human rights, freedom's of expression, etc. in our definition. I'm happy with applicable national laws, no further.

(Michael Graham): Rosemary, (Michael) here.

Rosemary Sinclair: Yes (Michael).

(Michael Graham): My understanding in reading this is that Wendy's notion is that by taking a measure of whether or not the registries follow the proposal that they have made that - that would restrict them from going off in some other direction in which they did not anticipate ahead of time.

Rosemary Sinclair: Yes.

(Michael Graham): And that going off in that direction may be a show of creativity, expression and innovation or it may be a show of criminal activity, one never knows.

I think what we were getting at in measuring -- in setting for this metric as I understand it in coming late I have the benefit of ignorance perhaps -- was that we're looking at if I were to expect and grant a new domain name on the basis of statements made by the applicant.

If that applicant complies and follows what they propose that they were going to do, that consumers will be able to trust that site to do what it felt it was going to do; whereas if it did not, it would not have that trust.

Whether it's innovative or not it would not be - have that trust of the domain system. So I think I would - I would agree with Cheryl I think at least on that point. I don't think that it's something in the terms of metrics that could be measured or provided for easily certainly.

Rosemary Sinclair: Thanks (Michael). Olivier?

Olivier Crepin-LeBlond: Thank you Rosemary, it's Olivier for the transcript. I agree with Cheryl and with (Michael) on that their take on this. I think the further one goes into the direction of human rights and - and focusing on specifics.

The more narrow the actual -- the whole scheme becomes and although it might be seen today as a good thing to focus on specifics in the future, things might change and these specifics might just become a hindrance rather than something that would be positive for the way that this is going. Thank you.

Rosemary Sinclair: Thanks Olivier. Rosemary here, when I read the comment I actually read it in two parts and the expression part I've been associating with the part of Wendy's comment which says, "Ending particular with some of the specific metrics such as spam levels."

So as well as the point that (Michael) was articulating around the registry operator's purpose which I think the issue that she's reflecting is concerned about discouraging registry operator's from further innovation by requiring them to speak with their regional purpose.

But secondly, I think there is a concern there with the measurement - the proposed measured spam. I think the way or the way I read the comment is the concern is that measure of spam levels will or there's a danger that that will restrict freedom of expression.

In any case I think probably we've discussed the comment in - in full now. And what I'm hearing is the suggestion that we take - make a change and include the word applicable in our definition so that we've got applicable national laws.

And then the other part of the comment is really covered by Jonathan's suggestion. I think that ICANN policies provide the - the safety net for the rest of Wendy's comment I think. Is everybody happy if we go that way?

(Tobias): This is (Tobias), just briefly I had to look at our document and it already says applicable national laws.

Cheryl Langdon-Orr: It does indeed.

(Tobias): So - so there is no change there. I think the issue mentioned by - by the comment and also my comment is more that applicable laws can be very much and would we really expect someone to comply with all applicable national laws where particularly in countries where certain expressions might be criminalized; and where the human rights perspective is more in a sense opening up saying that, "Okay, we need to understand the applicable national laws in the context of human rights."

Because in some cases, we don't really expect a registry to follow the applicable national laws because there is an interest in human rights in some freedom's of expression. Thank you.

Cheryl Langdon-Orr: Okay, (Tobias) there is -- Cheryl here for the record. I understand where there is an interest in freedom of expression and human rights. What about where there is not an interest in how we can define some human rights? And that in itself becomes a lied event in terms of definition and freedom of expression.

If we go down that pathway, it becomes a rabbit hole of choices and how is once something's signed? Applicable national laws is site, I'm not trying -- I'm still firmly against -- leaving it unsaid is better than saying it in my view is my experience in these matters. I think it's probably the best I can say at this point and time (Tobias).

That's not to say that there's good, bad or indifference, you know. I'm just saying that once one starts to define these terms it be- can become far more complicated. And it would certainly be complicated I think in terms of measurement as innovation and effectiveness.

Remember we're looking at consumer choice, trust and competition. And we're looking at a system which is basically only trying to increase consumer choice.

Rosemary Sinclair: Yes, thanks Cheryl. Olivier?

Olivier Crepin-LeBlond: Thank you Rosemary, it's Olivier for the transcript. Just hearing Cheryl mention what she said there I totally agree with her and then in a way it's funny because I am currently a déjà vu situation.

Why? Because I was actually -- I'm not sure whether it's lucky or unlucky to be part of the working group that dealt with the morality and public order. The so-called morality and public order discussion that took place goodness knows a few - a few centuries ago.

But it was - it was exactly the same discussion that we had at the time and the discussion was should we focus more on things and actually define these - what the applicable laws are, etc. or should we leave it more of a sort of higher level and just say applicable law?

And there was also a big debate about national law or international law. Actually at the end we ended up with international law due to the concern that if one was going to have a well morality being judged on the worth of national law in each and every country around the world. You might then end up with the laws coming multiple of everything which would effectively ban any new gTLD with any words.

Because somewhere in the world that would be an objection so we're looking at here - we are mentioned national law and I think that goes already very far because as - as was mentioned in Saudi Arabia gay might be seen as being an offensive illegal term whereas elsewhere it is not.

That then goes I guess into the - the single commonality of the route at the end that says something which I don't think we need to tackle ourselves.
Thank you.

Rosemary Sinclair: Thanks Olivier. So we're back to the suggestion that we - we stick with rather than change to, but we keep applicable national laws. And remember also that since Wendy made this comment we've got the - we've accepted the suggestion from the U.S. government that we are the third point to our consumer trust definition which is trust in efforts to compel susceptibility to abuse. I think I've got that right.

So perhaps that's as far as we need to go. And this still (Tobias) leaves open the option for registry operators to operate in jurisdiction which gives them the freedom to establish gTLD such as (DOC-A). So is everybody okay if we leave that discussion at that point? Hearing none and seeing a tick from (Tobias), thank you and Olivier.

I suggest we go back Berry to where we left off our public comment discussion. And I just wanted to add -- I'm sorry I should have done this before -- I dialed into the GNSO council meeting last Friday morning which I think it's why I've got Friday on the brain for those of you who have been sending me email exchange.

Cheryl Langdon-Orr: I did wonder I just thought my diary wasn't up to it, that's all.

Rosemary Sinclair: No, it's my brain that's not up to it. And they have agreed to send our letter forward to the GAC. And so that was good. Okay, so now back to you Berry, where are we up to?

Berry Cobb: I think it was -- this is Berry -- just a little bit of housecleaning before we pick up where we left off on our last session. (Michael Graham) had sent in his action items with respect to 17 through 20 of the comments.

And essentially (Michael) what I've done is I pulled out each comment per the comment number that you have assigned. And I included it in the Column three and as we continue down the list as we approach that number your comment will be listed in the tool as well.

But I just wanted to bring up to the working group that (Michael) had submitted the consolidated metric around the litigation of domain names. I think it's more highlighted in the next one where I'm driving, yes with respect to quantity and relative incidents of litigation decisions.

So what I've done here is I included the proposed metric as defined by (Michael) in Number 17 and then 18, 19 and 20 refer back to Number 17. So what was proposed measure of consumer trust is the quantity and relative incidents of intellectual property claims relating to second level domain names and relative cost of overall domain name policing measured at immediately prior to the new gTLD delegation and at one and three years after delegation.

The source is the independent reporting by or a survey conducted by IP organizations such as INTA, AIPLA and others or third party of one domain name IP cases filed against that, so b) registered - b) domain names, IP cases against registries regarding SLD's and PLD's and c) domain names IP cases filed against registrars regarding SLD's.

The secondary is the acquisition of SLD's which infringe on otherwise - or otherwise violate IP rights or requiring parties and third relative costs of domain name policing and enforcement efforts by IP owners.

I added the note, the difficulty would be determining reliable and trusted source of information for all participants must be statistically significant. And a little proposal note is to pull IP organizations regarding participation willingness to fund or assist in funding third-party survey organizations.

Rosemary Sinclair: Okay, are there any other comments on those proposals?

Berry Cobb: And to remind the working group I think we had consensus around the - the proposed metric. So it's just really just a matter of the language that's listed here.

(Michael Graham): Right, this is (Michael) for the transcript. Just to point out as well that I have...

Rosemary Sinclair: Sorry about that.

(Michael Graham): ...I have begun the question to the group within INTA my idea of, you know, providing and obtaining this information. But I think that would be something -- I don't know if that would be required at this point or this would be something that would be proposed as part of the metrics in terms of how the information can be acquired.

Some of the points here would be more difficult to acquire than others. For example, the number of cases filed worldwide could be relatively easily obtained by the various people who are watching these cases could provide that number. And that could be verified by rather simply.

Much more difficult would be obtaining information on how many domain names had been acquired as a result of challenges or other things. And reliability of that information also would be very doubtful because I would presume that a number of those transactions are - are kept confidential so that information would not be available.

Rosemary Sinclair: Rosemary here, so your discussions with INTA (Michael) perhaps we could get an update on those next week or could we get an update on those next week so that - that would then enable us to update this recommended action in terms of difficulty or what's possible?

And if you could just scroll down, Berry I think you right at the end you made a comment or there is a comment -- not you make a comment for those that comment. It's about difficulty in relation to statistical significance.

Berry Cobb: Yes.

Rosemary Sinclair: I'm wondering whether we should record (Michael)'s comments just now that there maybe some other reasons for the difficulty of data collection in this area.

Cheryl Langdon-Orr: Right, this is Cheryl here. Do you mean specifically in terms of - of his reference to the restrictions of confidentiality?

Rosemary Sinclair: Yes, yes, I was just relate- picking up that last point. And I mean part of me is or part of my action is well, if people, you know, value confidentiality over information sharing, then that's their choice. And I'm not sure, you know, what (Michael) would do about that.

Cheryl Langdon-Orr: It would simply disappear -- Cheryl here for the record -- it would disappear from the data set. It would have to be a recognized bias in the reporting of that data set that I'm not - I'm not sure that our job is to view others and point out that they may be a spectrum of challenges in the acquisition of some of the data that's weakened it.

Rosemary Sinclair: Rosemary here and I guess Cheryl we've actually done that so I'm saying we can leave it at that. Yes, yes, good point. Any other comments on this item?

(Michael Graham): Yes, this is (Michael), just to add to your question Rosemary I would be gladly take this really clarified question back to the group and it's the same group that had prepared the initial comments on behalf of INTA.

Rosemary Sinclair: Yes.

(Michael Graham): And have them address this issue and see what proposals and ideas we can bring back from that.

Rosemary Sinclair: Okay, thanks (Michael).

Cheryl Langdon-Orr: Cheryl here (Michael), just briefly I think what's important when you're doing that is also to remind that very important core group that - that same set of suggestions of information should be kept and ready to go towards what will be a necessary -- I would think -- public comment or opportunity for input to the review team at the time when such actual correction and materials such as a tool development and surveys is being done as well.

(Michael Graham): Yes.

Cheryl Langdon-Orr: Because I think there's that opportunity then when not just the concept of the metrics as being discussed about the actuality of the worker doing the collection of the metrics is happening in that - in that post-review team formation inside.

(Michael Graham): Yes, I will do so, thank you.

Rosemary Sinclair: Thanks (Michael), thanks Cheryl, so now we can move on Berry unless you've got more tidying up for us to do.

Berry Cobb: Just a few more, I think Jonathan raised his hand.

Rosemary Sinclair: Sorry, Jonathan, yes.

Jonathan Robinson: Sorry to interrupt the flow a little bit of a lag there. It's Jonathan Robinson. Just I guess I fully understand the sentiment of the INTA comments and what the intention is, but I think it (Michael) if it isn't already very clear from what's being discussed now, I think the critical issue here from my point of view

would be we can very easily or relatively easily quantify the UDRP and URS type work.

The issue is how readily can we quantify and measure those against what is going on in the -- measure of the desired other parameters by what is going on in the past and how it might go in the future.

So it's just - I hope that's an addition to what's being discussed already but it will be my concern to say are we actually quantifying and measure those - those so that the INTA to address that they can actually be accurately measured. Thanks.

(Michael Graham): And (Michael) for the record, to answer that -- I think that's a very good point and that's one that I would also make sure that the group addresses. Because I think the -- working from the theoretical this would be useful information and important in determining at least in the - in the point of view of intellectual property protection to have to determined consumer trust.

However, then actually facing that and the needs to have reliable information that can be compared with information down the line was not as greatly addressed and I will do that with that group. Thank you.

Rosemary Sinclair: Thanks (Michael), back to you Berry.

Berry Cobb: Okay, we're on Row 25 and (Steve) had the action to review the metrics that were included from the USG comments. And I think we'll skip this until he joins the call later.

Rosemary Sinclair: Yes.

Berry Cobb: And then I think there was one more for you (Michael) from your document on your list you had added for Number 29 which is with respect to the consumer choice definition.

And from our review session on the 5th of June we had reviewed through the USG comment and we believe that it was important to add meaningful to the use of the definition.

And (Michael) you had included as a note for yours to add this to 27 and/or 54 or 55, delete from competition... to end of addition. I was a little confused by it and I wanted to make sure we got you covered before we moved on. And 27 is with respect to the consumer choice definition that INTA had originally filed.

(Michael Graham): Right, yes I'll take a look at that. I had not looked at what I submitted it since I did submitted it, I'm sorry.

Rosemary Sinclair: Yes.

(Michael Graham): But to clarify that I will do so.

Rosemary Sinclair: Okay. Thanks Michael.

Berry Cobb: And there's possibly one more Michael and I just - I think this one was more - this was with respect to number 32 and this was just a notation that you had meant to combine the elements of this with the trust survey which I think that one's pretty straightforward, but I just wanted to make sure again.

Michael: Yes that's exactly what I was getting at there.

Berry Cobb: Okay. Okay moving right along - oh you're up again Michael. I think this was one easier one as well. This was with respect to registrar's Web sites should clearly disclose gTLD benefits and restrictions and the terms and conditions for each respective PLD they offer. And you had made a secondary comment to combine whether such community-based Web site actually need to propose purpose of the registry with full text.

So you were just saying to throw emphasis onto that section of the definition, correct?

Michael: Let me take a look back here. That's what I was suggesting there, yes.

Berry Cobb: Okay good. Moving right along...

Cheryl Langdon-Orr: Sorry, Cheryl here. Are we noting in the recommended action column they've already associated use of all of these included in the report or what are we doing?

Berry Cobb: Yes I've added that into...

Cheryl Langdon-Orr: Okay thanks. That's all; I just wanted to remember that they were all the columns.

Berry Cobb: No blanks. Okay and trying to figure out where I left this off at. I believe...

Rosemary Sinclair: Berry, we're completely lost if you can't do that.

Berry Cobb: I'm definitely starting to get into the weeds. All right guys, so our last - well we picked up off the last session with Item 36 which was the measure of accuracy of search engine and we agreed that no action may be covered in the survey for consumer choice and then that leaves us with number 37 which is a new measure proposed from INTA.

The measure is a percentage of IDNs and each scripter language should be compared to the percentage of people who speak or utilize each particular language or script, the source of the registry Web site and the statistical determination of the number of speakers or script users. The difficulty must identify reliable source of number of speakers or users of each language or

script and the three year target would - the percentage would increase over time.

Rosemary Sinclair: And Berry just remind me, we're now into consumer choice where we're looking at a proposed measure, et cetera for an element of consumer choice.

Berry Cobb: Yes correct. Consumer choice metric, et cetera.

Rosemary Sinclair: Okay thanks. Are there any comments on this suggestion by INTA?

Cheryl Langdon-Orr: Cheryl here.

Rosemary Sinclair: Yes Cheryl.

Cheryl Langdon-Orr: Having been a card carrying, flag waving, push of all things IDN and multilingual scripts from the earliest days of MINC and I've got to jump on the bandwagon here. I can't help myself. I think this is a very valid measure. More importantly it's a measure which whilst at first blush may seem to have some challenges in terms of efficiency of getting the data set or ease more importantly, not efficiency of getting the data set.

There are in fact as memory serves and I would need to check. Berry, you might need to have a little wander through some of the, you know, the sort of global resource statistics that lurk about particularly in the UN world. But to be honest it's just a simple Wikipedia search would do us to begin with.

I'm pretty sure that they are a number of perhaps not the most authoritative data sets in the known universe, but certainly well-accepted as benchmark data sets for those sorts of metrics that we could use for the ground or basis of the now measures because that's the only thing that worries me about these sorts of post-launched new gTLD measures is that we can have a look at the now if not before as well as the after.

And I'm pretty sure we can draw a line in the sand and draw on some reasonable metrics now without having to go into more expensive and more complicated data set collection activities. For example, when we've looked in the past for other purposes such as the use of I think - sorry use of country and territory names. So it's sort of shifting across the wonderful world of safe gTLDs and GNSO and GAC interests.

I'm pretty sure that we've found resources that go into quite particular detail on breakdown of numbers because of all sorts of languages and script. And that's broken down into region and sub-regions and also looks at clusters where you have some surviving spoken language outside of what one normally would consider its geographic home. That was a long intervention, sorry but I'm just saying yay.

Rosemary Sinclair: Rosemary here, it's doable. Yes.

Cheryl Langdon-Orr: Sorry.

Rosemary Sinclair: So the - the recommendation is to accept Item 37. Are there any other last thoughts on that?

Berry Cobb: This is Berry. Just I guess Michael, is it possible to come up with an example or a takeaway of this? And I guess I'm going to try taking this simple. Let's assume that there's only five generic IDNs that are applied for and all five of them are in traditional Chinese and so that means that we have five IDN scripts out there.

And - or five IDNs that are delegated in one language and then we try to compare the percentage of people who speak or utilize that language. That's 100% correct or something along those lines?

Michael: This is sort of - it's comparing against the total number of domain - of gTLDs. Number of IDN gTLDs in a particular language and comparing that to a

comparison of the number of individuals who speak the language that utilize that that IDN reflects again two verbal population.

And then the anticipation is that that number would grow over time giving the people within that language group or symbol group greater choice of being able to find sites or utilizing that IDN. Does that make sense?

I mean it's something that could be set out in a formula I think to make it clear perhaps.

Man: This is (unintelligible). I must say that I have some problems understanding still. What is the percentage of IDNs? How do they calculate the percentage of IDNs in each script?

Cheryl Langdon-Orr: Well you need a baseline now. Sorry that was Cheryl.

Michael: No yes you do have to start a line because you're basically comparing two proportions.

Cheryl Langdon-Orr: Yes.

Berry Cobb: If I - this is Berry. If I understood that, the percentage of IDNs that's compared to the total number of gTLDs that are delegated? That's the percentage that you're referring to, yes?

Michael: That would be the first one, correct. The second one would be - so if in the IDNs I think that would also have to presume that Latin or English or gTLDs would be included as an IDN as simply an English IDN. So you would have a script, so Chinese over the total number of GLDs compared to...

Woman: The number of people speaking Chinese.

Michael: Right.

Woman: So we perhaps have 5% of gTLDs are in Chinese. So the first number is 5% and then the second number is 1.6 billion? Or the percentage of Chinese speakers are over the number of the language in the entire world? Or 1.6 billion over 6 billion?

Woman: Correct, yes.

Michael: I'm just thinking I thought there was a relative study of this as well. And that's also what this became. And it was basically looking at the percentage of IDNs within a particular language or script group...

Woman: Yes.

Michael: ...becoming more similar to the percentage of people speaking that language or utilizing that script.

Rosemary Sinclair: And (Tobias)?

(Tobias): Perhaps - this is (Tobias). Perhaps you can clarify that with some kind of formula or an example of how this can be calculated based on any numbers you choose and then we can continue this discussion based on that.

Thank you.

Cheryl Langdon-Orr: Cheryl here. Rosemary, I think we need to remember that our role is to just make the suggestions on these metrics. A review team will have to get down into the - what was it used? The weeds Berry?

But for example when we've looked at already the soft track IDN, ccTLD process that needs implemented and running. Three, four years ago? I think it's a good idea just if we all get (unintelligible) with groups sometimes. What we went through with DNS going and others, we recognized this is just one

example in one sub-continent region. What those rules did in terms of pushing the ability to fast track an IDN-based gTLD - ccTLD was look at what was the - a single choice of an official language.

But in India for example there was more than 22 scripts, so it's a sub-continent of India. More than 22 scripts with quite variable population usage statistics and yet it would not unnecessarily be and indeed it is not going to be the most populist script that is chosen for the fast track process because what the applicant -- in this case a government supported application running a ccTLD anyway -- needed to do was choose the most acceptable, official language script.

So these statistics sort of get teased out and having the baseline is what's important. Not so much as worrying about the details as what the future measures are as long as we've got some level of authority baseline, then we can make this proposal that the metric will be valid later on.

Have I confused everybody? Sorry.

Man: No.

Rosemary Sinclair: No, Rosemary here. I think you've made - you called up a very good reminder Cheryl that where we could leave this is to say - essentially what we're saying is IDNs are an effective - that growth in IDNs is an effective measure of consumer choice.

Cheryl Langdon-Orr: Yes.

Rosemary Sinclair: And the suggestion we're making is that we measure the number of IDNs and take a look at that compared to the number of people speaking a particular language. And we don't really need to go much further than that as long as we're all as a working group happy that this is a useful measurement of one element of consumer choice.

And I think we're happy. So are there any final comments on this point? My suggestion is if not we could leave it as it is at the minute.

Michael: This is Michael and going back and looking at this and clarifying my own confusion, I think both the language that is here and addressing (Cheryl's) concern that the three year target needs to be restated as something like this. Not the percentage should increase over time, but the percentage of IDNs in a language or a script should become closer to the percentage of people speaking that language or script to the world population over time.

Or simply leave it at pointing out that the three year target is to examine changes in the percentage of IDNs in a language and script and comparing that to the percentage of persons speaking or using that language or script as against the world population.

Cheryl Langdon-Orr: Very happy with the latter terminology there. That's great.

Rosemary Sinclair: (Tobias)?

(Tobias): Just briefly, when you summarize this (unintelligible). When you summarized this Rosemary, you said a number of IDNs and I would be happy with that language because I still don't understand the percentage of IDNs for each script. So then as long as we have something we really understand is calculatable, I'm fine with it.

Thank you.

Rosemary Sinclair: Thanks (Tobias). I think how I understand the percentage and I know these are the wrong numbers, but at the moment say we've got 100% and plenty of TLDs in English language. So we count them all up as 50, but 100% are in English.

This metric is saying, you know, if you use time when we look at the number of gTLDs we'll say that 50 English and five in Chinese, so we have 10% of -- and these numbers aren't right -- but 10% of our total population of gTLDs are Chinese. So does that clarify how we get the percentage and secondly, everybody else, have I got that right?

Michael: I think - this is Michael for the record. I believe that's correct.

Rosemary Sinclair: And (Tobias), is that good?

(Tobias): Yes.

Rosemary Sinclair: We've got to tee up (Tobias). This is my new metric. We got to check from (Tobias) if we can (unintelligible).

(Tobias): Sorry for that.

Rosemary Sinclair: Not at all, not at all.

Berry Cobb: This is Berry, I also - just to make it clear in terms of the measure. I added the percentage of IDNs that compared to the total number of gTLDs in each scripter language just to tease out that percentage.

Rosemary Sinclair: Great, thanks Berry. I think that does it then. Okay so we'll move onto the next item.

Berry Cobb: Yes 38 is the additional measure proposed by INTA. The measure is quantity of TLDs using IDN scripter languages other than English which are independent of national governments or government control. The source would be registry registrar's site, difficulty is presumed, TLDs not owned by governments or government agencies.

Qualify more difficult to determine government control and (unintelligible) identify in terms of users used or your target has increased a number of independent IDN TLDs over time. Measure at first round, second round, et cetera.

Rosemary Sinclair: Any comments on this one?

Cheryl Langdon-Orr: Cheryl here Rosemary.

Rosemary Sinclair: Yes Cheryl.

Cheryl Langdon-Orr: Why? Why does the measure of - from when CDs controlled influence choice more than the simple measurement of the diversity?

Rosemary Sinclair: Michael, can you recall the background on this one?

Michael: Not - this is Michael. Not specifically.

Cheryl Langdon-Orr: Sorry Michael, I'm happy for you to take it on notice and come back. But...

Michael: I was actually going to answer your question Cheryl with "Good question." And additionally as I read through this item just a moment ago, I was wondering if whether this was a proviso to counting the number of IDNs in the previous metric so that - again the idea of trying to reach independent.

I would have to say though based on the question insofar as we are not measuring choice of independent sites as opposed to government-sponsored sites, but merely choice that this measure is not that important. It does not seem to me.

Cheryl Langdon-Orr: That's - Cheryl for the record. That's my gut reaction Michael, but I would see a value if you wanted to as we have in some other measures draw out the difference between IDNs which are in fact a ccTLD operation versus a

gTLD operation. That could be useful and therefore measure far more the diversity of choice in multi-script, multilingual world.

That is particularly as a result of new gTLD release as opposed to what is also a plethora of ccTLD. So I wonder whether the use of just TLDs in your 38 was trying to tease that out? If that was the case, then I would simply do something along the lines of where we've looked at total TLDs and a proportion of change in new gTLDs. That type of thing. If that helps your thinking anyway.

Rosemary Sinclair: Could we just hold that thought Olivier?

Olivier: Yes thanks Rosemary; it's Olivier for the transcript. I have a similar thought about this. Most geographic gTLDs or new TLDs will require some form of state sponsoring in most cases and so this is a metric which might actually be pointing in that direction.

That said, I also think what they might've been pointing to with the commentaries might have been pointing to a measure of the involvement of the government and the growth of the new gTLD system in some parts of the world. Specifically I would say in the Middle East and in some Asian countries. And how much of the growth is supported by the government and how much of the growth is not supported by the government? And it's brought forth by private enterprise.

I don't know if the mission of ICANN is one that goes as deeply as this. I understand why they would like it and I think it's interesting, but I don't know if it actually is within ICANN's mandate. You know, does ICANN bring world democracy? I don't know. Should it? Should it measure world democracy?

Cheryl Langdon-Orr: Or free market economy.

Olivier: Or free market economy, yes thank you.

Michael: This is Michael for the record and...

Rosemary Sinclair: Yes Michael.

Michael: And I believe that was (Tobias), correct?

Rosemary Sinclair: No that was Olivier.

Michael: Oh Olivier, I'm sorry. I think Olivier's point is well-taken. This would be especially in terms of the subject that we're speaking of earlier of human rights. This could be an incredibly interesting statistic and information to obtain over time. And if there was something within our study that would be affected by whether or not a government is trying to falsely create the notion that it is registering and has independent interests registering in an IDN. That this might be something to look at.

But this certainly seems to me that that sort of information, either of those types would be better suited some independent study and a certain, you know, political or demographic type of studies rather than the one that we're putting together right now in terms of this is the advice for the review committee down the line.

I agree again with Cheryl, I think it could be useful information. I'm not sure if it would be a metric that would demonstrate the type of answer that we're trying to suggest means for the review committee to do. So I am not wedded to this being here, this form if there's a way that that would be useful in determining consumer choice that you have a choice between government sites as opposed to independent sites, then perhaps that would be the direction to go.

But I think in light of this discussion and in looking at the other measures that we're suggesting, this might be one of less importance right now.

Rosemary Sinclair: Thanks Michael. (Cheryl's) has indicated in the chat that she was disconnected. Is there work to reconnect her to the call?

(Natalie): I do not see; we're dialing out to her now. Thank you.

Rosemary Sinclair: Thanks (Natalie). Perhaps we could - so you're suggesting Michael or your position is that you'd be happy if this item is not taken forward as a metric of consumer choice? Berry?

Berry Cobb: Thank you Rosemary, this is Berry. Just to add onto that. This metric one way or another will be captured under competition and most specifically when the first four items as we start to quantify the number of top-level domains before and after expansion, you know, that actually is the baseline metrics for practically all of these other metrics.

And I know that there will be for lack of a better word, meta-tags assigned to each TLD that says, you know, this is a generic, this is a generic geographic. This is a community; this is an IDN and those kinds of things. So I believe we'll get to that number one way or another. It's just a question of how it's analyzed when these metrics are starting to be gathered.

Rosemary Sinclair: Thanks for that Berry, it's very useful. So in fact our response to this comment is that the metrics will be captured in whatever the number is now for the first measure of competition which is the quantity of total TLDs, et cetera.

So if we make that comment or that response to that comment, is everybody okay with that at that point?

Michael: This is Michael and I would certainly be happy with that in terms of the response to the INTA comment. Quickly if I could ask Berry. Berry, do any of

those meta-tags also indicate types of the entities that are the registry operators?

Berry Cobb: This is Berry, yes they do. If you go out to inta.org - I'll post the link here in the chat room. And while this is not the official source that I could envision will be the backbone for all of these metrics, it is kind of all the same play on it all.

And so within there you can review each TLD that's delegated, who the sponsoring organization is and the type of TLD. And so you can expect to see this list grow by 1,000 plus once we've gone through the application route.

Michael: Thanks a lot; I'll take a look at that. Thank you.

Cheryl Langdon-Orr: Berry, Cheryl here. We also need to recognize that the new INTA contract will call regardless of who's running it. We'll call for in fact greater detail in that database, not less.

Berry Cobb: Indeed.

Rosemary Sinclair: Okay so I think we're done on that point now. So when you're ready Berry, we can move to the next one.

Olivier: Have we lost someone here? This is Olivier.

Rosemary Sinclair: No I think Berry...

Berry Cobb: Oh I'm sorry; I was talking in the mute. Thank you Olivier. All right so let me start over.

Olivier: Sorry, but maybe I was the only one listening.

Rosemary Sinclair: And I thought Berry was updating his document and he would come back in a second. Thank goodness for you Olivier. Berry?

Berry Cobb: All right, great. So comment number 39 - let me lower my hand as well. This is from INTA, this is in regards to the metrics on Page 10, Metric number 1 with respect to defensive registration and is not seen as an improvement and choice as available to registrant for purposes of this measure, defensive registration or sunrise registrations and domain block.

Measure a share of sunrise registrations and domain block to total registrations and each new TLD. The comment was specifically percentage change should be considered indicative of degree of success and slots and sunrise registrations require a registered trademark. There is no need to exclude privacy proxy registrations from the numerator.

And this is Berry, I believe on some previous metrics we have already agreed to remove the privacy proxy elements from our metric.

Rosemary Sinclair: Rosemary here Berry, so we've agreed to remove excluding this I think?

Berry Cobb: Correct, yes.

Rosemary Sinclair: That's right, my recollection as well. Okay are there any comments on this particular item?

Steve: Which item are we on? Hey Rosemary, everyone. It's Steve.

Rosemary Sinclair: Hi Steve, we're on 39.

Steve: Thank you, agreed.

Rosemary Sinclair: So we can accept that and go to the next one.

Berry Cobb: Making a quick note.

Rosemary Sinclair: Yes.

Berry Cobb: Okay number 40 is from INTA and this is in regards to our metrics on Page 10, Metric number 2 which is the relative share of registrations already having the same domain and legacy TLDs for this measure. Count all registrations that redirect to domain and legacy gTLDs, do not count privacy proxy.

The response from INTA was we assert that 15% is too great of a percentage and the survey of defensive registration's reference and an economic framework for the analysis of the expansion of generic top-level domains is for the percentage between 3 and 9. And I believe also the suggestion was to remove the G interest and just with only TLDs and the metric.

Michael: That's correct.

Rosemary Sinclair: Thanks Michael, so any comment on that suggestion? Or two suggestions? Firstly that we remove G, so we talk about legacy TLDs in general and...

Steve: Question.

Rosemary Sinclair: ...the three new targets would be 3 to 9. Sorry, yes was that Steve?

Steve: Yes I have to ask you. We're on number 40, right?

Rosemary Sinclair: That's right.

Steve: In our proposed draft advice we do not say G, we said TLDs. INTA is asking us to add the G.

Berry Cobb: That's correct, it's adding the G. I'm sorry.

Steve: Okay so why would we add the G? Michael?

Michael: To point out otherwise this would be including the ccTLDs.

Steve: Yes but I think what we're saying here is that if you look at all the registrations and the new gTLDs, which ones already had the same domain name to the left of some other dot?

And I could make either argument that it's really not a new choice if they kept the old one. Whether the old one was in dot co dot uk or dot com. So we could go either way with this. It's a lot more work - I think it's more work to check all the cc's, so I'm happy to have you limit the scope.

But remember this doesn't count - this doesn't restrain which ones we look at. It only restrains how far back we look and where else receive. Because remember we're only looking at the new gTLD registrants and of the new gTLD registrants which of them have the same domain name in the legacy TLD? And we were only counting the redirect on this one.

But the redirect is a specific technical lookup that we think zone data can satisfy and Berry I think verified that several weeks ago.

Michael: Michael for the record. I would go ahead with that and just leave TLDs in those and not add the G. And I think it's clear here the percentage that was arrived at was based on looking at second economic study where there was projection between 3 and 9% in dealing with some of this analyses and projections over time.

That of course dealing more on an economic basis than a pure number, but applying that same amount to the number that you've arrived making this measure.

Steve: Michael, before you turn to the percentage, I did want to give one concession on the definitional part. I was going to say that we ought to modify the way we

describe the metric to say the relative share of new gTLD registrations already having the same domain and legacy TLD.

So adding and verify that we are looking at the new gTLD registrations and then comparing them to where they're redirecting. So Area number 40 you would see a relative share of new gTLD registrations already having the same domain and legacy TLDs. Does this measure account all new gTLD registrations that redirect to domains and legacy TLDs? And you would scratch out do not count privacy and proxy because I don't think that affects this at all.

So before you turn to the percentages I wanted to get clarification on that for everyone.

Rosemary Sinclair: Rosemary here. I think that is clear, but we've got Olivier in the queue.

Olivier: Thank you Rosemary, it's Oliver for the transcript. I agree with Steve's addition of share of gTLD registrations and I also agree with keeping the term TLDs bearing in mind that many ccTLDs, maybe not many, but some TLDs are used and marketed as gTLDs. So certainly restricting gTLDs is not correct.

Steve: Thank you. Olivier, what did you think of dropping out the qualifier of where we earlier thought we had to not count privacy proxy? Any reason to not really count them or should we strike that parenthetical?

Olivier: Steve, it's Olivier here. I don't see it as being particularly important to have it there. Do not count privacy proxy registrations. I mean there are some. There appears as though there's going to be some changes in that anyway in the future. So we'll have - but it's another - you know, it's something that's way out of our own remet.

So dropping just do not count. Privacy proxy registrations I don't see what it takes away or what it adds to it. I'm fine either way.

Michael: Hi it's Michael for the transcript. I guess going back I basically agree with the changes that you're proposing taking out the do not count privacy proxy registrations is, you know, somewhat redundant or actually irrelevant insofar as those in order to be counted, those proxy privacy would have to be redirected to another site.

You'd have to be able to identify I presume that it's the same owner or source of the two sites that it's redirecting. So, you know, that doesn't come into play. But on that same point, Steve I'm wondering if we don't need something else in here. It's relative share of new gTLD registrations already having the same domain. It's not the registrations having the same domain. Would it be registrations owned by registrants which have the same domain in legacy GLDs?

Steve: Yes if I could respond to that. If we even debated on how we were going to do this Michael, we didn't know for sure if we were going to tie it to the entity or to the actual string. And we ended up saying looking at redirects. And by focusing on redirect you actually don't need to know who owns it.

Michael: Okay.

Steve: The new gTLD registration for delbianc.sucks points to delbianco.com, then we're assuming that that is a redirect because it redirects and by that virgin we're saying that redirects didn't really add new choice to the space. They just added a new label to content that was already there.

And one of the challenges is to time stamp it because I may have gotten a new domain name and a new gTLD and then went ahead and added the com when I could get it after the fact. So we do want to sort of point backwards to

the state of the world prior to the new gTLD delegations. The 2012 role if you will.

Michael: Okay no that makes perfect sense to me. Then I would still go back and look at the language only insofar as already having same domain or these relative share of new gTLD - what's that say? New gTLD - relative shares of registrations of new gTLD - somehow - I'm trying to think of what would go there.

Steve: We had relative share of new gTLD registrations already having the same domain and legacy TLDs. And we probably ought to add in 2012 because we already have it as referencing a period on time.

Michael: New gTLD registrations of TLDs which already exist...

Steve: No you don't register a TLD, you register a domain name. So they're new gTLD registrations already having the same domain in a legacy TLD, you know, prior to the expansion. So they didn't exercise...

Michael: That means legacy would be at the second level, correct?

Steve: Yes of course, right. Registrations imply second level. You can't register at the top level, right?

Michael: Okay and I'm fine with that.

Rosemary Sinclair: Okay and just Berry in the chat is taking us back to the (D note) privacy and proxy registrations. And I think we've agreed to delete that from this measure, is that correct?

Berry Cobb: Yes this is Berry. For our last session or our session prior to that, I believe that we agreed to remove it for all the metrics except for one where it made

sense and I'll lose track of my notes if I try finding it now. But I know there's one that...

Olivier: Geographic diversity because we'll never know from a privacy proxy where they are.

Berry Cobb: Yes thank you.

Rosemary Sinclair: Okay so now we've got to - and unfortunately Michael had to step out. We go through the percentage points where INTA's referencing the economic analysis which suggest 3 to 9 and we have 15 on the table. Any comments on that?

That to take Steve from you in regard to moving yet from 3 to 9. Anybody else? Steve?

Steve: Yes sorry, I didn't mean that. I meant to hit the raise hand.

Rosemary Sinclair: Okay.

Steve: Remember the key thing we're doing is asking ICANN to measure this thing and report what the number is. That's the most important thing of all. We added three year targets because we were asked to in the board resolution.

If just one public comment came in even though it was a sub-stan of unjustified one from INTA, I don't know that one public comment should be enough to move our number. And I don't know, I need to go read the actual economic study that Michael's referencing to know whether we're really comparing apples and apples and moving this number.

I wouldn't rely on just the evidence here. I need to go read it and understand it, but really we're talking about redirect.

Rosemary Sinclair: Yes.

Steve: Because we've sort of cleaned up our language now to where we're only looking at redirects to domains that were already in existence by the end of 2012.

Rosemary Sinclair: Rosemary here. Perhaps what should do is just leave it at 15 and then just check that with Michael when he comes back to see whether there's more background to the comment that we should take on board.

My issue was that I wasn't sure that we had such a firm base for the 15 and that's Steve's point about really understanding whether this 3 to 9 is relevant is a very good point. So is anybody...?

Michael: Rosemary, I am back. It's Michael.

Rosemary Sinclair: Oh okay Michael. So did you see our discussion of the numbers just now?

Michael: No just the end of it and as I understand it you were discussing that and trying to get a firm basis for where that figure came from?

Rosemary Sinclair: Yes.

Michael: Correct?

Rosemary Sinclair: That's right and Steve was making the point that the reference to the economic analysis or economic framework document is a broad reference where we're not actually sure that the 3 to 9 reference in that document is relevant to this particular point.

So I don't know if you can provide any further information for us. And then I was responding that I wasn't sure about 15% was legally grounded either, so.

Michael: Michael again. The point of fact that was in looking at 15 as - and this was not a proposal that I had put forward, so what I would like to do is have the opportunity to go back and I get a specific reference section from the economic analysis so that I can bring that back to us and we can see if that's relevant.

But I do know that it was derived from a desire to where does 15 come from and my understanding was the person or persons brought forth the 3 to 9, located something within the analysis in the economic report that they felt would be applicable. Let me do that and bring that back to the group.

Steve: Michael, this is Steve. Thank you for doing that. And when I read the I - I went back and looked at the INTA comments and I just want to verify we're talking about redirects. That's what this is, not defensive registrations per se because we don't actually know what a defensive registration is.

We have three proxies from what we think are indications of defensiveness, right? The first was sunrise, the second was redirect and the third we're about to get to is duplicates. So if the number you're referencing is some general framework of defensive, we don't actually have that because we don't know to definitively measure defensive. We have three proxy measures - oops, bad word. Shouldn't use the word proxy.

We have three approximations for defensive gestures and so let's see what the 3 to 9 is, if they were talking about generally defensive or redirects and specifics and that would be really helpful to us.

Thank you.

Michael: Okay I will do so.

Rosemary Sinclair: And Rosemary here. I wonder if we should call out more clearly in our Point 40 that this point is focused on redirect because in 39 we mentioned sunrise and in 41 we mentioned duplicate. But we - oh no we do, sorry. Down on the third line, for this measure count all registrations that redirect to domains in legacy TLDs I think we've got now.

Steve: That's right, that's right.

Rosemary Sinclair: Yes so my apologies, we do call it out as a redirect.

Steve: And Rosemary, if in fact we're only going to look at redirects which is a technical walk of its own, we probably don't need who is data at all. It was one of the reasons we - when we thought we were going to use who is data we were going to actually try to identify the registrant.

Rosemary Sinclair: Yes.

Steve: But if it's the same string and it's a redirect, I think it's a pretty damn safe bet that it's the same registrant. Why would I be able to use the same string and simply redirect to your content. It would be of no benefit for me to do that. So if we do that we can remove the words and who is data under the source and we can remove who is from the anticipated difficulties column.

Berry, are you following that?

Berry Cobb: This is Berry; I wouldn't throw it out with the bathwater just yet. There may be a need down the road that maybe who is data could help refine that metric. I agree at first run we're going to scan the zone, give me all the domains that are registered, send out the thought to go access every web page. Tell me whether it's a live site part, doesn't resolve or redirect and probably ten other options.

That will give us some set of data, then we would start to look at the redirects and I don't know that we can safely say that if there's a redirect going on that it's most likely. It probably is the same registrant, but I wouldn't make that a definitive statement.

Steve: Go ahead and please do one extra step in what you just described. After you have the so-called redirects we would only count - we would want to focus on those that redirect to a domain that was in a legacy TLD as of 2012.

Man: Correct.

Steve DelBianco: If it was added after for all we know the column is the redirect to the dot new, so I think we would want to add to that, we would focus - here's as long as we suspected a redirects and of those here's how many are redirecting to a domain name that was in the legacy TLD zone as of the end of 2012.

Rosemary Sinclair: So Steve your suggestion is that we add in the 2012.

Steve DelBianco: I think so because we use the word already having in our description there Rosemary, and to my recollection what we were talking about is registrant already had something in 2012, he had it in com, he had it in net, bus, co, uk, whatever dot me.

And then three years out they've gone ahead and put up another site in a dot new that simply redirects to the same domain they already owned in 2012. That doesn't seem to be a strong exercise of choice.

That's not a strong indication of choice, nor is it necessarily a definitive indication of defensive, it's just something we're trying to measure.

Berry Cobb: And to that point, this is Berry so what I have for the change to the metric is relative share of new gTLD registration already having the same domain and legacy TLDs prior to expansion instead of listing 2012.

Steve DelBianco: Good idea.

Rosemary Sinclair: Yeah, good idea.

Berry Cobb: It was your idea.

Steve DelBianco: Good idea.

Rosemary Sinclair: Good idea Steve. And then Rosemary here, I'm inclined to leave the WHOIS data in the source and see anticipated difficulty for the time being.

It will be interesting to take a look at this a little down the track and just see what's what, but I think that's a good idea too, to just leave there.

So any final comments on Item 14? If not then we can move to 41.

Steve DelBianco: Okay, 41 is also from INTA with respect to our metrics on Page 10, number three which is a survey, a sample of duplicate registrations and new gTLDs, for purposes of this measure duplication registrations are those where registrant reports having and still maintaining the same domain name and the legacy gTLD.

The note here is this would appear to remove from computation information regarding registrant to have the policy of cross registration of domain names and trademark would weigh against finding of choice.

(Michael): This is (Michael) for the transcript, the intent here is just point out that in looking at this, this is something that we noticed and wanted to make sure

that it was understood that it's sort of a double edged type of sword taking this particular approach to duplicates.

But going on I understand it now also as part of this that it is part of that three fold type of analysis of sunrise, redirect and duplicate. Sunrise which has been sort of delegated to a defensive leave.

Steve DelBianco: One of the reasons that all three percentages ought to be the same because they're going to end up considering them all together, because if I did a sunrise registration of DelBianco dot new I would count up in the first indicator.

I might have either redirected it or maintained the content where I maintain both of them. I have a DelBianco dot new website and a DelBianco dot com website and I keep them both - don't redirect but I still run them both.

They may not be the same content, if it's not the same content it's hard for us to know if it's truly a duplicate.

So this was a survey, not an automated analysis. Because it's a survey there's a judgment factor where the registrant gets to indicate yeah, I got both of them.

I don't necessarily redirect but I got both. And three, it's really just a duplicate, it's almost a reported duplicate.

Rosemary Sinclair: Thanks Steve. So we really - we're just noting the comment I think with that one, unless there's another view.

If we go just into the chat, I think there's a suggestion from Steve about sunrise being one indication of defensive registration and did you want us to make a change Steve in what I think it's 38.

Steve DelBianco: Well thanks for noticing that Rosemary, I was responding to Berry's reminder which is two up in the chat.

Rosemary Sinclair: Yes, why.

Steve DelBianco: And Berry's reminding us of what it is we all have said many times is that we don't mean to imply that sunrise is automatically defensive. And so he said to nail it down, what I'm really saying is tone it down so that the - it's an indicator, it's one potential indicator of defensive registrations.

And I hope that by saying that we all end up blunting some of the critique and by the way because we are using rough approximations, this is to you (Michael), because we're using rough approximations and we don't actually know if it's defensive, that argues to have percentages that are higher than what a study might have indicated as actually defensive.

Since we are over counting we expect to have a higher percentage. With me on that?

(Michael): Yes, I understand.

Rosemary Sinclair: Berry could you just take a sec to 38, so we can just see, here we go, there. So we say a defensive registration is not seen as an improvement in choices available to registrants.

For purposes of this measure should we put in here one potential indicator of (unintelligible).

Steve DelBianco: I would say sunrise registrations and domain blocks are potential indicators of defensive registration.

Rosemary Sinclair: Okay good, yep. Okay so are you happy with that Berry?

Berry Cobb: Just taking note right now. Can you repeat that again Steve, sunrise...

Steve DelBianco: Sure Steve, Berry the second sentence which currently starts with for purposes of this measure, so for purposes of this measure sunrise registrations and domain blocks are potential indicators of defensive registration.

Berry Cobb: All right, great, thank you.

Rosemary Sinclair: Thanks for that, so I think now we can go to 42.

Berry Cobb: One more second please.

Rosemary Sinclair: Sure.

Berry Cobb: Okay the next measure, Line 42, this is from INTA, the statement was we support provided that the survey includes the consumer accurately locating sites and screening out cybersquatting and parked domain names.

See above survey recommended in consumer choice, this is actually in reference to a new metric which the survey of consumer ability to accurately locate sites offering information products or services for which they have searched the internet relative to their ability to do so before the gTLD expansion.

Survey could measure their ability to locate sites utilizing domain name searches rather than key word searches. The source is on line survey are empirical study and physical be as the user survey may be too subjective to provide data.

And there was a follow up comment from (Michael) just referencing back that this should just be included in the consumer choice survey.

Rosemary Sinclair: Thanks Berry, any comments on this one? So are we happy to take this - include this comment in our draft advice?

(Michael): This is (Michael), for the record I think going back to what I had ended up proposing is rather than having this separate and deploying out the fact that we're not now setting forth six separate surveys of incorporating this as part of the consumer choice survey that was - I forget which item that is, that was dealt with before.

Man: Part of the consumer trust survey are you saying?

Rosemary Sinclair: I think - Rosemary here, did we not wind up with one consumer survey?

Man: I believe we did and it was first identified in the consumer trust table. I think what (Michael)'s saying is that we want to add more questions to that one survey to both touch on trust issues and choice issues.

(Michael): That's correct.

Man: And to make it clear we ought to have a row here in the choice table that references the survey first identified in the consumer trust area should include questions to measure consumer attitudes about choice in the new gTLD program and then we could - again we're going to rely on the vendor to design it.

But we should put suggestions in here for things that we want them to measure.

(Michael): Correct and one specific thing that INTA then is suggesting is that - and actually I'm not quite sure if this is choice or trust, this particular measure of consumer ability to accurately locate sites.

Seems to me more akin to the sort of measures of trust that we had before.

Man: It's almost both isn't it because you really didn't give me a choice, you didn't increase my welfare, if the choice is simply new labels to existing content.

I have multiple confusing labels that point to the same content, that's not really giving me choice.

That might be adding labels but not new content.

(Michael): I think that's correct and I would agree that we ought to have an item at least pointing that - open ended proposal that any consumer survey who had questions relating to consumer choice as well as consumer trust.

Rosemary Sinclair: Rosemary here, so just trying to capture then for the future survey design work, what we're suggesting be considered for the survey, it's not going to be - I thought it was more effectively captured for me at any rate in that last comment that are they more satisfied that - are the consumers more satisfied that they're able to get to the information they want.

Which I guess is their ability, for me it was a bit of a - I'm just not sure and I'm not being very articulate but I'm just not sure that we've captured something useful to include in our survey.

Steve DelBianco: Rosemary it's Steve.

Rosemary Sinclair: Yes Steve.

Steve DelBianco: Yeah the words ability and accurately are the problem. We wouldn't really be measuring ability, it would be a perception. We'd be measuring consumer perception that they can find content they're searching for.

Perception of the ease with which they can find the content they seek before and after the gTLD expansion. What do folks think about that?

(Michael): This is (Michael), I think content is correct. I'm not sure the term I would use but content is what's on the page. I think we should also include content or person, you know if they're looking for a particular company or site, so they're not looking for content, they're looking for a place.

What would be a term that we could utilize for that?

Steve DelBianco: We could say content or website then, the perceived - consumer's perceived ease - ease may not be the right word but the perceived ease with which consumers can locate the website or content they seek both before relative to their ability gTLD (unintelligible).

Rosemary Sinclair: Rosemary here, that gets it for me, that's good.

(Michael): It's (Michael), do we want to test their ease or I hate to go back to a term you had taken out Steve or their ability to do so?

Steve DelBianco: Well the key word is the word perceive, you can ask me do you think you are - in the survey you'll say do you perceive that you are able to find things more easily?

That will - you see the ability, the word of the ability...

(Michael): Is it able and ease, I think the way you just said it might be the way to put it, there's no reason to put - to gild the lily, it's a consumer perception that they are able...

Rosemary Sinclair: Rosemary here, the problem that I - sorry (Michael), Rosemary here,. The problem I have with able is that it's about the consumer. When I hear consumer ability or it's a comment about the capability of the consumer, rather than the DNS.

So for me as a consumer if it's you know easy to find my way through to get what I want that's what - I'm either satisfied than visual or not satisfied so it's my perception or satisfaction about being able to get what I want.

And it's just the use of the word I guess when I think about it, that able to me is more of a statement about characteristics of the consumer rather than the DNS.

(Michael): This is (Michael) and I believe you have hit the nail on the head that in part this proposal coming from INTA arose from the idea that it would be of interest in terms of choice.

Choice only exists if you're able to be sure that you are choosing between things that you know that are all apples and apples, I know what I'm looking for, now I can make choices within the various apple sites that are out there.

In so doing the first question we had was well this is what we'd like - we believe would be a measure of consumer choice because choice is enhanced when you - I hate to keep coming across this word, give me a better word to use - when you are able, when you have the ability to search the internet and find whether it's in a legacy gTLD or in a new one, the site, the content, that you are looking for.

Then we said well how do you measure that, is there a quantitative or qualitative way of doing that by looking at a search engine and search engine results and being of a somewhat non-technical bent from INTA, that was a question we could not answer.

However in terms of consumer choice we then turn to the fact that it's not whether the search engines are more accurate or less accurate, more able to find these sites or not.

It's more whether or not consumers in utilizing search engines that are looking at both legacy TLDs and the new gTLDs, perceive that they are having an easier time finding those apple sites that they're looking for, for the content or the website itself.

And that's why we turned the attention from an empirical study of the accuracy of a search engine and finding what you're looking for and more to the consumer perception of that experience.

And at the same time in so doing we said this is not something that could be measured empirically, this is part of a survey, it would have to be part of a survey of consumer perception.

Steve DelBianco: (Michael) this is Steve, I put two formulations in the chat for folks to react to, but I do agree with you on the perceived. And their ability to find things is not to do with the ability of a search engine.

Because search engines are very able if you put in the right search terms to take you right there. And that's why ability is too much a function of the tools, and it's also a function of the user's knowledge of the use of the tool.

And I actually don't care so much about the ability as I do what's their perceived ease and effectiveness, I use two words, ease and effectiveness of getting to what they want to find.

Berry raises the point that that's a search engine's issue but the search engines today and the search engines in three years have to react to a different TLD space, a domain space.

And it may well be that the domain space becomes so large there's out, that the ease and effectiveness of using search engines to get there to find what I wanted is diminished in the perception of users.

If that's the case it's because of the TLD expansion. IN spite of the search engines, it's confusion or lack of ease and lower ease and effectiveness because we've had one thing change and that thing that changed was way more labels.

So Berry I do think it is an indicator of the success of the program when you measure choice because I can't exercise choice if I'm confused about what I'm choosing.

Rosemary Sinclair: Rosemary here, just to add to that, there's some quite interesting research in the field of consumer choice which says that once you've got more than seven to choose from most people won't make the effort involved in making the choice, the confusion factor outweighs the value of the choices.

So this is really a very pertinent point in all our other measures we've been assuming that more is better.

This is the other side of the coin where we actually ask the consumers, what's it like out there in the jungle? So I think it is in scope for us to be looking at this particular issue.

Steve DelBianco: We didn't mention the word search in the two proposed definitions. Locate, it could be locate via search engine, it could be between guessing, but are there any reactions with the team on either of the two proposed text in the chat?

Rosemary Sinclair: Well Rosemary here, I was going to go for just the first one. I like the simplicity of it. Anybody else?

(Michael): This is (Michael) and I've got to agree with you, I agree the simplicity does set forth and I think too you Rosemary you hit it on the head exactly what it is.

This is actually in part a perception of where greater number of choices actually is a reduction in consumer experience.

But yeah, I believe the first of those two Steve it's - it also gives the review team a broad area and a real indication of what it is that we are suggesting they measure.

Rosemary Sinclair: And just to Berry's comment, I don't think it's just about registration because if you go back to our definition of trust, we talk about the resolution of domain names.

I'm just trying to pull it up now, the confidence registrants and users have in the domain names, this includes - I might have slightly the wrong words but trust in the consistency of name resolution.

So I think we're on the page with this particular issue. Okay so have we got enough votes for version one and are you still happy with that Steve as well? Your first version?

Steve DelBianco: Sure.

Rosemary Sinclair: Okay, so what we'd like to do with that Berry is include that first version as an item to be included in the consideration of the survey design.

Man: And we want to identify it as a choice oriented question in the choice table but make sure that our readers know that we're not suggesting a second survey but rather additional questions for the consumer survey identified in the consumer trust table.

Rosemary Sinclair: Good. Okay so we can go to 43.

Berry Cobb: Forty three this is from INTA as well, new proposed metric as to measure actual internet traffic to legacy TLDs and new TLDs, zone and root server use data.

The source is - the intent is to determine if there has been an increase in traffic to new TLDs, may want to exclude redirected traffic as possible difficult as traffic to new TLDs should increase proportionately as compared to traffic and legacy TLDs.

(Michael): And this is (Michael), actually the difficulty would be the information that's being sought. I don't know that that's a difficulty, the difficulty is in obtaining that information.

Berry it sounds from earlier comments that this is something that would be able to be tracked through the - perhaps a zone server, I'm not sure.

Steve DelBianco: And (Michael) you do realize that nearly all of - not nearly all, most resolutions are serviced from cache so the zone files have no idea. The DNS system doesn't know at the ICANN side, it won't know whether you served it out of cache or you had to go back to the zone to get the IP address.

Rosemary Sinclair: Okay, so other - any comments about the idea behind this measure, because it's a new measure.

Steve DelBianco: Well I'm just raising the point that you cannot look at zone and root server data, that will not give you the answer. Not even remotely so if we expand it, the answer can only really come from the website owners.

(Michael): And this is (Michael), Steve here would be my question. We really don't care about the traffic and whether it's to a cage file or through the zone server.

What we're interested is comparing the traffic to legacy gTLDs as compared to traffic to new gTLDs.

Steve DelBianco: And I hear you, and the problem is that...

(Michael): Well then my question is I mean if they're both subject and with the caveat that they both would be subjected to the fact that you don't have a completely accurate, if that same inaccuracy is true to both can you still for comparison purposes place those two figures next to each other as you would obtain them?

Steve DelBianco: I suppose you could as long as there's not a systemic bias for the legacy over the new when it comes to serving from cache. New TLDs will take some time to become frequently used in hyperlink search engines, bookmarks etcetera and then until they are used for a while their cache hits might not be as high.

Rosemary Sinclair: We've got (Olivier) in the queue.

(Olivier): Thank you Rosemary, it's (Olivier) for the transcript, I'm fearing that we're mixing apples and oranges a little bit here because it says here actual internet traffic is something which only ISPs and network operators would be able to find out.

And that's totally outside the remit of ICANN. Measuring the number - the amount of hits you get, the DNS hits, the look ups basically is something which can be done but as we mention there is caching going on at various levels of the DNS.

And so the actual zone operator themselves might not get as many hits. The caching is actually just undertaken as if you do one lookup on a domain name, the cache will remain active.

That domain name will remain active in your local name server for a while. And so you - it really just depends on I think called the time to live so it remains basically active until the time to live expires.

You can then gain this because what you can do is to make the time to live very short and suddenly make it look as though you get an enormous number of hits in the actual zone operator themselves.

But that also makes the domain name very unsteady and very likely to basically disappear off, etcetera. So I don't think this whole thing is measurable and I don't think it's possible to extract any data that's meaningful out of it. Thank you.

Rosemary Sinclair: Thanks (Olivier), Steve?

Steve DelBianco: Yep, obviously (Olivier) and I, I've just said the same thing two ways. And I agree, but maybe we're jumping the gun, we should probably have allowed (Michael) to explain why traffic is an indication of choice and then if he felt he convinced us that it is an indication of choice the working group would put a statement in here that there should be a measure of traffic.

And explain why we think it's an indication of choice. When it comes to source of the data, we could put in there, that we realize that zones only see non-cache resolution so we would invite ideas from staff or the community for finding a better way to measure traffic.

That would be the way to proceed rather than what I did which was improper, I just zoned right in on the measure which won't work.

So (Michael) start with the top, why is this an indication of choice? Why is traffic an indication of choice?

(Michael): This is (Michael) and I suppose it's an indication of choice insofar as it's testing the quality of that choice.

So I suppose it's somewhat qualitative rather than quantitative and it's doing so by taking a look at various places along the timeline to determine whether or not the fact that we have opened up X number of new TLDs, whether or not consumer are actually utilizing that space.

If they are not then it is a choice not taken, it is a offering that consumers are not interested in and so it's really not the choice that they are being provided with.

So I guess it's getting down to that qualitative type of analysis through an empirical bit of data as you're pointing out if that data can be tested or measured in some way.

But it's really taking a look, we have these two zones once we have the new gTLDs. Are people really utilizing the new TLDs and if so I guess it would be a potentially not just looking at the picture but that over time consumers should continue to increasingly utilize those gTLDs.

But I believe this is simply open - well it does say traffic to the new TLD should increase proportionally as compared to traffic to legacy TLDs.

So if we have 1900 TLDs where on the scale of the proportion of 22 to 1900 is the internet usage of actual consumers? And if it is lower than one to one then is that a real choice that they have?

We're not answering the question, we're just suggesting that we obtain that information.

Rosemary Sinclair: Rosemary here, we've got (Olivier) in the queue and we're just gone past 7:00, so my suggestion is we take (Olivier)'s comment and then I think we're going to have to come back to this issue.

So (Olivier)?

(Olivier): Thank you Rosemary, it's (Olivier) for the transcript. I realized upon hindsight that I saw that (unintelligible) was against that measure, not at all. I think it would be something useful, I was just pointing out that technically speaking it was impossible to measure.

And so I have fallen in the same trap as Steve has and I do apologize for that. However I do feel there is worth in finding out the usefulness of a domain which I believe is what INTA is pointing at here and what (Michael) was pointing at.

And one thing which I - one type of measure which I would have perhaps thought about was at the moment the amount of traffic to the busiest websites around the world is performed by an organization called Alexa.

There are others that are performing such statistics and I wonder whether something in the same type of measure could be done. What I mean by that is would any of the new gTLDs be in that one million busiest websites in the world?

I know it's not exactly measuring the actual number of the useful new gTLDs, but it's something which I could suggest as the closest type of measurement. Thank you.

Rosemary Sinclair: Thanks (Olivier). Rosemary here, I think we'll have to come back to these issues. For me I'm still stuck on the usefulness of this measure of use as an indicator of consumer choice.

So I think we're not finished yet with the discussion around the - I guess the philosophy or the policy aspects of this.

Steve DelBianco: Yeah please make a bookmark though, traffic could be important to competition so we need to have this conversation.

Rosemary Sinclair: Yeah, so let's start that conversation next time back here on 43 taking into account Steve's comment about the US government and traffic and competition.

Berry just very quickly is there anything we need to do to wrap up this call?

Berry Cobb: No, we're meeting again tomorrow an hour later than we normally do.

Rosemary Sinclair: Okay and I'm fine to tomorrow so sorry for all that other confusion in email. Thanks everybody, we'll meet up tomorrow.

Man: Thanks, bye all.

END