

**Consumer Trust Meeting  
TRANSCRIPTION  
Wednesday 13 June 2012 at 20:00 UTC**

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Participants on the Call:

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

ICANN Staff:

Berry Cobb  
Nathalie Peregrine

Apology:

Olivier Crepin Leblond - ALAC  
Julie Hedlund

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

Nathalie Peregrine: Thank you, Operator. Good morning, good afternoon, good evening. This is a CCI Call on the 13 of June 2012. On the call today we have Cheryl Langdon-Orr, Steve DelBianco, (Tobias Marler), Rosemary Sinclair, and ((Michael) Graham). We have apologize from (unintelligible) and Julie Hedlund.

From staff we have Berry Cobb, and myself, Nathalie Peregrine. I'd like to remind you all to please state your names before speaking for transcription purposes. Thank you very much and over to you, Rosemary.

Rosemary Sinclair: Thanks, Nathalie, and good morning everybody from this end. Now my suggestion - our agenda is nice and simple. We can have a quick look at the action item, which is Berry's update, which we've got. And then I think just dive straight back into our work.

And Berry, would you just confirm we've got an hour or an hour-and-a-half on this call?

Berry Cobb: Two hours really.

Rosemary Sinclair: All right.

Cheryl Langdon-Orr: I have an 8 o'clock, Rosemary.

Rosemary Sinclair: I hope so too, Cheryl, but I'll just (unintelligible). Anyway, so if we go - I think we could have a (unintelligible). I think we were at 42.

Berry Cobb: Correct, but if we can do a quick pit stop on 25 from Steve's homework assignment.

Rosemary Sinclair: For sure.

Berry Cobb: Steve was to take offline a review of the metrics that were suggested by the USG. He has sent a supplement document that I'll pull up right now.

Rosemary Sinclair: Good.

Berry Cobb: And, Steve, maybe you can just walk us through this super fast for each one of these. I have not pulled these into the public comment tool yet but I will cut and paste them once we review them for the next version.

Steve DelBianco: All right, unfortunately that would make our document considerably longer because I've got about three pages still on this list of items. So this is a - this is in response to the US government letter where they listed a bunch of items they wanted us to consider changing in the consumer trust section, specific metrics for consumer trust.

And I should also disclose, I took the author of this document out for a coffee today. Well, they bought their own I should say. And they discussed - they're career anti-trust attorney at the department of justice who understands ICANN pretty well.

But I really wanted to make it clear that the remit of this affirmation and the resolution for this working group did not include any analysis of cost versus benefit at the overall level.

And that was a surprise to him so I'm really glad we had that conversation so they won't be surprised when we don't tackle the cost and benefits although any chance we get, if we have an opportunity to gather data that serves our purposes, we're happy to have that data include costs where it works.

All right, so I - when I was there with him I handed him this document and they promised to get back to me on it. I wanted to give them a heads up on what we were thinking. But I want to run through it fast and if you guys are agreeable Berry will paste this into our big document.

The first item is that the Justice of Commerce Department said they wanted relative incidents of complaints for new and existing GTLDs. The short part of my answer is that given the metrics we did we've already addressed this

comment. And I think Berry's got that on the screen right now, it's the bottom line there, Berry.

So again, is it sensible in our comments to list all four of the ones I cited in coming up with the statement that we've already addressed the comment. It probably does.

Rosemary Sinclair: Rosemary, yes, I think that's a good idea.

Steve DelBianco: Good. Second one, malware sites. And I said that we looked at quantity in relative to incidents of take down and phishing. And I have put the question sort of back to say, are there other instances of malware other than phishing fraud and anything that results in takedowns.

And if so those could be additional items that are listed. Anyone on the call know of specific items in addition to phishing and takedowns that are coming from malware? Because bots are going to come up but they're separate.

Rosemary Sinclair: Okay, that's - it's Rosemary here, that was the only one when we were discussing this in the apex working group. Our loose of definition of malware always includes botnets but if they come up...

Steve DelBianco: Yes, sharing insights. Go ahead.

Cheryl Langdon-Orr: Sorry, Cheryl here, and this one's just a long shot but flagging it for your edge memory here, the future edge memory perhaps, malware - notice my hesitation here because I'm working somewhere between privileged and information.

Hypothetically speaking, you could have a TLD or more that were rife with malware and - for whatever reason, that would cause a forced redelegation at least in the ccTLD world. I wonder - and that is no longer - now I'm closing my

hypothetical. I wonder, is there a parallel measure in the GTLDs because that's not just takedowns, that's actually at that higher level.

Now if we don't want to deal with it that's fine but I'm...

Steve DelBianco: You're asking whether the registry - the GTLD registry contract includes a redelegation that's specifically related to malware?

Cheryl Langdon-Orr: Yes, the equivalent to a redelegation because it's not necessarily hypothetical in the near future.

Steve DelBianco: That's not a bad question but we ought to be able to get a factual answer immediately if we quickly look at the guidebook and look at the specification side, which is the registry contract.

Cheryl Langdon-Orr: Because I would think something as nuclear as that option should be an easy measure but an important measure.

Steve DelBianco: All right, so we'll take it offline to check the guidebook to see whether...

Cheryl Langdon-Orr: It's the only one that strikes me, anyway. I'll shush-up, sorry.

Steve DelBianco: No, no, not at all. Okay, so botnets are the next one and I am proposing to you, the team, that we add a line to say quantity and relative instances of detective botnets sites using new GTLDs.

And I've gone on to say that it's not going to be easy to get the data. I know where their anti-phishing working group even keeps it so it might just be that we would turn to government to get the data. And if they didn't provide it then we wouldn't really have anything to show in this metric.

Rosemary Sinclair: Yes, that's definitely - that's kind of ball back in their court anyway.

(Michael Graham): This is (Michael) for the record. Going back- I'm sorry, I was just contemplating while you were talking, Cheryl. The phishing and such doesn't include the type of malware that would include sites that were sources of worms or viruses. That's the only thing that I could think of as additional types of malware that might appear.

Steve DelBianco: (Michael), it's my impression that worms and viruses are exactly what malware is.

(Michael Graham): Right, so that would be in addition to phishing sites and alike.

Rosemary Sinclair: Yes.

Berry Cobb: This is Berry. I'm just curious. You know, we're getting very specific with very specific types of abuses and we don't have an answer as to whether another abuse exists out there that would regard - would require a takedown. Could we simplify this and say, registration abuses?

And I take this back from the RAP working group where they went methodically - defined the different types of abuses. I don't think they went as far as saying what actions need to be taken by registries or they'd be taken down or neither review processes.

But I don't know that we want to just limit ourselves or be so specific that we're calling out botnets and malware if we - (unintelligible) at saying registration abuses then the future review team can deep dive into that and find specific metrics that relate to this.

Steve DelBianco: Rosemary, if I could comment on that?

Rosemary Sinclair: Yes, Steve.

Steve DelBianco: Yes, great idea to simplify, Berry. But I do remember - and you were very active on the RAP working group, I do remember there was a lively debate about whether registration abuse includes bad activities that occurred on an already registered site.

And I thought that things like phishing and malware ended up not being counted as registration abuse.

Berry Cobb: That was not a consensus position nor was it an item that the Council voted on and technically...

Steve DelBianco: So if you cited it we wouldn't want anybody who read our simplified version to only go to a report and misunderstand what we meant. So we may - it may not be sufficient to reference the registration abuse policy paper since a reader of that paper might conclude that it wouldn't even cover malware.

Berry Cobb: Go ahead.

Rosemary Sinclair: Rosemary here, this is just an alternative way of dealing with Berry's point, which is that even if we leave what we've got, which is specific, if we added the general point - the point of the abuse and relative incidence - I can't find - and I'm thinking of other malware, if we take one of those points, my tongue is now twisted, and just leave ourselves the option of anything else that anybody dreams up in the future. Then we have a point that says, measure it.

Steve DelBianco: So on the one that says quantity and relative incidents of detected botnets sites and other malware using new GTLDs?

Rosemary Sinclair: Yes.

Cheryl Langdon-Orr: Cheryl here, because that covers the don't know what we don't know (unintelligible).

Steve DelBianco: And Berry, back to you, if you can find a phrase from the registration abuse paper that is unambiguously inclusive of post registration abuse, please suggest it to all of us.

Send around a note or put it in the document for our next call. I just am afraid of being limited by what some of the members of your team tried to do to us on registration abuse.

Cheryl Langdon-Orr: Rosemary, Cheryl here, just following on with Steve's point, Berry, I'd have no problem if it was one of those footnote moments as well where you might say something along the lines of included in but not limited to the work of the - you know.

Rosemary Sinclair: Rosemary here, that's a great idea, Cheryl, because one of the things that I think is going to be very important is that the community sees that this work that we're putting forward is linked to many other pieces of work.

And in there is kind of the final step for many other pieces of work because out of those pieces of work are things that now get measured in the context of the Board resolutions. So I really think that footnote is a great idea.

Now I think we're back to you, Steve.

Steve DelBianco: Okay, the next one is the US government asking for names associated with identity theft. And Berry, remember, use abuse versus registration abuse here. Identity theft is two acts.

The first is the act of phishing away identities, phishing away your IDs and passwords, and that's already covered under phishing. And then subsequently, lists of stolen credit cards, stolen passwords, and stolen account names are often traded on websites.



So since we've already covered the phishing all I covered here was the dealing and distribution of these account identities and lists. And that's not technically malware, it's not technically phishing.

It's probably use abuse and that I'm using the Internet domain name system to facilitate the sale of something that's illegal.

Now lots of things are illegal but selling a list of stolen identities is specifically illegal.

So I got to tell you, I hesitated to put this one in here but I thought I would give the working group the benefit of a very expansive response to the USG and give you the chance to think this over because here - all I said was the quantity and relative incidents of sites found to be dealing or distributing identities and account information used in identity fraud.

((Crosstalk))

Steve DelBianco: We thought about this more than the US government ever did, that was clear to me from my meeting today.

Rosemary Sinclair: Yes, exactly.

Steve DelBianco: Okay, go ahead.

Rosemary Sinclair: Rosemary here, this is - as Cheryl indicates in the chat, a very hot button I would say in consumer land everywhere around the world. And therefore...

Cheryl Langdon-Orr: (unintelligible) land.

Rosemary Sinclair: That's right. Now remembering that we're deep into the weeds at this point but what we're doing is we're working through a set of metrics that go to

where that consumer's been - there's more or less trust in the new GTLD world.

And because it is such a hot issue for consumers I think we should be specific this matter of identity theft. But it's very important that we understand why we're doing it. We're doing it because we're trying to assess consumer trust, not funnily enough because some government or another says it's illegal.

So I think it's important that we understand why we're prepared to put it in. But I think it is a hot button and it should be there.

Steve DelBianco: It's a great distinction because things that are illegal are covered by another metric we have on governments that report concerns over registries that violate applicable national laws, that's already covered somewhere else.

Rosemary Sinclair: Yes.

Cheryl Langdon-Orr: Steve, Cheryl here, yes, that's true but then we get into the whole cross border issue of what's illegal here versus what's illegal somewhere else.

Steve DelBianco: Well, that's true. Our metric invites governments of any kind to tell us anytime they have concerns about their applicable national laws and websites that affected their citizens. So we know we were going to get a mixed bag of things that are offensive in some countries and not in others.

Cheryl Langdon-Orr: I'm actually - I'm not discomforted by having this slight expansion because I know it will come back out of GAC world because it is such a hot button as Rosemary's also said in consumer world.

Steve DelBianco: I have a question to you, Cheryl. When you think of it in Australian and GAC world, etc., is - did I phrase it properly? Is this what they mean - is this the

part we need to capture, this - the dealing and distribution of identities and account information?

Cheryl Langdon-Orr: To be honest, I think that's a perfect capture. And I just wish I'd have had that language available as we were literally taking down through our court systems indeed, of registries in Australia for doing exactly the same thing because that would have been much quicker than how we said it.

Steve DelBianco: You know where to find me.

Cheryl Langdon-Orr: Steve, (unintelligible).

Rosemary Sinclair: Rosemary here, we're probably going to save the lawyers, (Michael), a lot of time which won't be helpful, will it?

(Michael Graham): Now, now.

Cheryl Langdon-Orr: (unintelligible) billable - I'll have to move to billable microseconds.

Rosemary Sinclair: Now pressing on.

Steve DelBianco: All right, so let's move on. That sounded like you guys are completely comfortable keeping this explicit new item in there.

Cheryl Langdon-Orr: Yes, Steve.

Steve DelBianco: Fabulous, next item. I'm saying we don't need to do anything on this one. We already had spam and this was something that (Olivier) had put in.

Cheryl Langdon-Orr: And the honey pot is what we need, yes.

Steve DelBianco: Okay, okay. Illegal misconduct, the next one. So the way they started off is by asking for relative incidents of breach notices, suspensions, and terminations.

And when I stopped the sentence there I believed that we have already asked for a metric of breach notices, for whatever reason whether it was the officers or any other breach notice.

Given that, I don't think we need to add one. I did put a note in here, Berry, to check with ICANN legal and let's ensure that legal has conduct of officers - fits within a noticeable breach to a registry contract.

(Michael Graham): (Michael) here, that would be my question because as I was understanding the USG government, their focus was less on the breach notices and more on the incidents of particular officers coming under fire for this.

Steve DelBianco: But under fire is under fire three ways, notice, suspension, and termination. All of those are related to the registry contract. They're all breaches of the registry contract.

Cheryl Langdon-Orr: You know - Cheryl here, I read that - when I was going through the (unintelligible), I read that as an add-on not an embellishment to those three things. I read that as a - in excess of conduct which would result in notice, suspension, or termination.

So maybe that was just me, I actually thought that was an overreach looking at conduct of officers of registries that...

Steve DelBianco: But Cheryl, if you read it plainly they're only asking us to count for breach notices, suspensions, and terminations.

Cheryl Langdon-Orr: But what I was saying is I didn't read it that way. You see what I'm saying?

Steve DelBianco: I don't think they're asking us to go out and independently total up the number of officer misconducts, so many speeding tickets that Anthony Van Couvering gets.

Cheryl Langdon-Orr: Well, not so much speeding tickets but anything, for example, that would affect the ability of that individual to conduct business as a director under corporations law in their jurisdiction, right.

Steve DelBianco: All right, so why don't we put it out the group here. I'm reading it very differently than Cheryl and this makes a big difference. What does everyone else think?

Rosemary Sinclair: Rosemary here, I think the fact that there's (unintelligible) in ICANN language breach notice, suspensions, and termination means that we can very legitimately take the narrower focus rather than if it was - just in the conduct of officers then we could be into corporation law and criminal law and parking tickets and all the rest of it.

Cheryl Langdon-Orr: Well, you don't (unintelligible) Rosemary, but yes, that's exactly what I thought. And by the way, I believe we don't do anything in either context. I just want to be clear on the context.

Rosemary Sinclair: But so we've just - okay, Rosemary again, so Steve is suggesting that we say, well, we're already collecting notices, breach notices, and that is going to be the biggest number in this whole spectrum of activity. So we've done that.

But then where we're question - or we want just to check with ICANN that legal misconduct of officers would in fact generate a breach notice. So we probably just need to take that offline I think.

Steve DelBianco: If...

Cheryl Langdon-Orr: Do we need to do that though if we're not going to change the metrics?

Steve DelBianco: Sometimes we do like to describe why we didn't change the metrics when we explain what we did with comments, right, and that would require to explain why we didn't adopt this because we feel like it's already covered.

Cheryl Langdon-Orr: Okay, yes, that's fine if we're not going to do anything in terms of change.

Steve DelBianco: Right.

Cheryl Langdon-Orr: There's pressure from parts of the at large community to practically go to parking notices.

Steve DelBianco: Okay.

Cheryl Langdon-Orr: You know what I'm talking about, right. There are a few people out there who - you know, get carried away.

Steve DelBianco: And I left XX in there and it should be 2 and I'm talking about Page 7 of our table. We had two metrics in there for the relative incidents of breach notices for contract or compliancy matters. And the reason we have two is that we have one in there for registries and one for registrars.

So we - you can clarify that we recommended a metric for registry breach notices and if you can confirm our understanding of legal misconduct then we don't have to make any changes, just a response.

Cheryl Langdon-Orr: Yes, perfect.

Steve DelBianco: Cool.

Berry Cobb: This is Berry. I'll take that action item. I'm not sure I'll be able to get an answer even by next week. Personally, off the cuff - and I haven't memorized the registry agreement.

But I don't recall ever seeing any language in the proposed registry agreement that would say if the CEO of X registry embezzled money and got thrown in jail in his region or his territory that that would mean a breach notice from ICANN. I kind of think that's a long shot but I need to - I'll check for sure.

Rosemary Sinclair: Perfect. Rosemary here, nothing of that fits in proper (unintelligible).

Cheryl Langdon-Orr: And Rosemary, that's why some of our community gets their knickers in a knot.

Rosemary Sinclair: Yes, right.

Cheryl Langdon-Orr: And they're seen talking enough to the necessary people in governments - and they will be in Australia as well, so I would suggest that we leave it alone for purposes for now but this is one of those - it's going to be in the wings though. Keep that in your short term memory as well, team.

((Crosstalk))

Cheryl Langdon-Orr: (unintelligible), I love it. I'll ask you again in a minute.

Rosemary Sinclair: I think that was (unintelligible).

Steve DelBianco: Okay, next one? All right, they mentioned data security breaches and data security breach is not a crime so there may not be a complaint issued about it. In other words, somebody could have lost a laptop and that's a breach. A bad actor could have hacked into a system, that's a breach.

A company could have a lot of bugs or be hacked by wiki leaks. It could be anything that contributes to a data security breach.

When it - and by the way, I added the word data security, not just the word security because I don't think the US government here is asking us to look at break-ins to the building or elements like that. We're always talking about data security here.

And I'm explaining that we did not have an explicit metric for data security breeches but we did have one that would include a data security breach that violated a law because we already had a metric in there for the quantity of compliance concerns with respect to applicable national laws. And we brought this up earlier in the discussion, Cheryl.

Some nations have different laws about a breach, etc. But I also know that many nations have rules about reporting of a data security breach even in instances where there was no crime or negligence committed. And that reporting carries the force of law where they must report it.

So to cover the reported breeches that are not crimes I added the - after the comma, including reported data security breeches. What does everybody think of that?

Rosemary Sinclair: So Rosemary here, I think that's great, Steve, because I'm just thinking of the Australian context already that there are things like the critical infrastructure working group and they require security breeches - data security breeches. I'm thinking about the electricity network and the telephone network and all that sort of stuff.

So that captures it beautifully. And the other issues is that I think out of the discussion that we're all following about phone hacking that over the next three or four years we might see a number of pieces of legislation in various countries around data security. That will be all captured under applicable national laws.

So I think that's a terrific formulation. (Tobias)?



(Tobias Marler): If - this is (Tobias). Basically I think this is interesting but we might have some problems in comparing different countries where some countries require security breaches to be reported and others don't.

In Europe the situation is currently such that if you are a telco then you have to report the security breaches, otherwise usually not in the current regime. Now the - it's proposing a new regulation but that's probably not going to be coming to force for the next five years or so.

So from Europe you would usually not have that many data security breaches outside telcos and perhaps the banking sector but that's - that depends on national legislation, thank you.

Rosemary Sinclair: Thanks, (Tobias). Steve?

Steve DelBianco: (Tobias), you're exactly right. This particular metric that we designed months ago anticipates that every national - applicable national law will have a different threshold for what is a crime or what has to be reported. We understood that. We meant to be comprehensive but not necessarily consistent.

The whole point of this metric is to compare these inconsistent but comprehensive quantity of metrics between the new GTLDs and the legacy GTLDs. And so we're comparing the same inconsistent set of comprehensive crime reports.

And I have - in other words, it's okay to be inconsistent as long as we're comprehensive and we're comparing the new versus the legacies.

(Tobias Marler): This is (Tobias). But basically wouldn't all of the existing of the legacy GTLDs be in the US jurisdiction and under an obligation to report while many of the new ones would not be under the (unintelligible)?

Steve DelBianco: I can answer that very quickly. The locus of the registry has nothing to do with the obligation to report. The obligation to report is a function of where the customers are, whose data got lost, whose data got stolen.

I realize it's only sensible to enforceable that in the case where the government who's concerned about its citizens has the reach of the registry. And that may limit it somewhat. But I wouldn't even concede that most registries are in the United States today.

Of the 22 GTLDs, I don't even think half of them are in the United States. So I - we can't let the perfect be the enemy of the good here. What you point out is true but probably doesn't change the utility of a metric that asks governments to report to us their compliance concerns and now that we're amending it, their compliance concerns as well as data security breaches that were reported in them.

I don't have much confidence that the governments will cooperate. I mean between us (unintelligible) we're not going to get a lot of data on this metric. We're asking for it, we're trying to be responsive, but the governments like to - they like to make a lot of policy recommendations but it's amazing how infrequently they follow through with specific data to help us do our jobs.

((Crosstalk))

Steve DelBianco: Sorry?

Berry Cobb: Go ahead, (Tobias).

(Tobias Marler): Go ahead, Berry.

Berry Cobb: I was just going to say - or echo that I - the burden of the data is on the governments and the law enforcement activity and entities that would track

this. And I would question how quickly they'll sign up to even turn some of the data over.

Steve DelBianco: All I can do - all we can do is recommend to be there and then ICANN can ask for it.

Rosemary Sinclair: And Rosemary, again, once again it's important to remember why we're even having this discussion and it's because we're trying to assess perceived consumer trust and things that might impact on that.

So coming at it from that end, this is important and I think we should include it with the amendment that Steve has made. And then if governments don't respond then that would be a very interesting scenario because we're quite clearly doing this to support consumer trust in the ICANN space.

So that will be a whole other interesting discussion. Anything else on that point or we'll go to the last one?

(Michael Graham): (Michael) here, just to voice my agreement that I like the proposed amendment that Steve's put forward. And I think on - perhaps in addressing to the issue of whether or not the information available to actually make this review since it's requires a cooperation and census of the governments that some who that be put within the proposed amendment in noting the difficulties of obtaining the information that we would be relying on governmental and law enforcement agencies to provide this information.

Steve DelBianco: We did in the report on Page 8, (Michael). We indicated that on this one, anticipated difficulties were "difficult because law enforcements and governments may not report this data."

(Michael Graham): You've done what I asked for, thank you so much.

Steve DelBianco: All right, last item. It looks like we're being asked to do the surveys more frequently than just one time at the end of the three-year target. Personally I believe that's a great idea and I don't know exactly when, where to put it in our table.

The surveys were on Page 7 of our table. This was the survey of consumers which is going to cover both trust and choice matters. And somewhere in that row - maybe under the bottom of it that it should read at least annually, that would be what I recommend is to put that in our recommendation that this survey be done annually.

Rosemary Sinclair: Rosemary here, I'm happy to support that.

Cheryl Langdon-Orr: Yes, works for me.

Rosemary Sinclair: And in particular in - we have said many times in these discussions about the emergence of the new GTLDs, that it will take some time before those new GTLDs get up to speed. And sometimes the speed will be great and then sometimes it won't be.

But the time that it will take for that market to shakedown and settle down means that we do need to conduct this survey a number of times. So annually, I think, is good.

Steve DelBianco: Great, okay. I think that's it for my assignment. So we have a couple of tie-up items for Berry and then he can plug it into the table.

Cheryl Langdon-Orr: You get an A+ from me, Steve.

Rosemary Sinclair: Really great work, Steve.

Steve DelBianco: Well, thank you, good. Where were we when we finished up just 24 hours ago then?

Cheryl Langdon-Orr: Forty-eight?

Rosemary Sinclair: No, 42.

Cheryl Langdon-Orr: Only 42. I thought we were farther along.

Rosemary Sinclair: Maybe 43, we were doing the Internet traffic one.

Cheryl Langdon-Orr: Right.

Rosemary Sinclair: Forty-three we were I think. Yes.

Steve DelBianco: You know, I did bring this up at my coffee with the Justice Department here in the United States today. I said - because they're all over competition. We haven't gotten to that yet but they keep wanting to assess competition in terms of the number of registrations.

I said, it's at least as important to measure user traffic to the new GTLDs as a measure of whether users view them as legitimate choices and competitions for the Gs.

So the word traffic doesn't show up in what the USG put in. It's here in the comment from INTA. And to my knowledge, we never had anything on traffic at all in our first draft advice, did we?

Rosemary Sinclair: No, Rosemary here, not that I recall, no. And again, if I move away from the technical language to what we're trying to do here, what we're trying to do here is measure whether consumers are trusting this new GTLD world by actually using the domain names.

So it's - when I've - when I'm looking at this point it looks like a technical total point but if what we're trying to do is to just - to measure which says, well,

we've got all these shiny new toys around the place, but either no one's using them because they're fearful or everybody's using them, lots and lots because they're very happy. That's what we're trying to do here I think with this measure.

But we didn't get to that point of actually using the new GTLDs in our previous advice.

Steve DelBianco: Well, I do hope that we can fashion in the next couple of minutes a metric about traffic that is at least determinable. I think traffic's a great idea but let's not over complexify it and let's be realistic here because the websites themselves only would know the traffic. The registry zone is not going to know it because of cache and registrars won't always know it.

So it may be that we have to count on a data reporting service that reports traffic. And who was mentioning that on the end of the call? Somebody said that (Alexa) or someone else does?

Cheryl Langdon-Orr: (Olivier) was - yes.

Rosemary Sinclair: It was (Olivier), was it, Cheryl?

Cheryl Langdon-Orr: Yes.

Steve DelBianco: Berry, would you scroll the doc? Is there more than what I'm seeing? Yes, (Alexa) and it was (Olivier) for the transcript.

Cheryl Langdon-Orr: That's not his actual name but it may as well be these days.

Steve DelBianco: All right, so why don't - (Michael) and - are you with us or did you step away?

Cheryl Langdon-Orr: I think (Michael) stepped away briefly.

Steve DelBianco: Well, then why don't we wait for (Michael) to come back and then we'll do this one because we ought to design a new metric that measures traffic subject to the availability of commercially obtainable sampled data on new versus legacy GTLDs.

Rosemary Sinclair: Rosemary here, I'd like to suggest that we actually reword the measure to capture this point that the only reason we're interested in traffic is because we're trying to measure whether consumers have enough trust that they'll actually use the new GTLDs.

So when we get back to this discussion I'd just really like to reword the measure with that kind of little introduction.

Cheryl Langdon-Orr: Good point.

Rosemary Sinclair: Otherwise everybody...

Cheryl Langdon-Orr: Cheryl here, because there are other ways to artificially do stuff (unintelligible) traffic and what we want is user use.

Rosemary Sinclair: Yes, it's Rosemary here. And I think unless we make it exclusive why we've got this measure then people will have the same reaction we did initially, which is what is it to us with all this traffic and so on. So we avoid that by just linking it clearly to our task.

Cheryl Langdon-Orr: Okay, 44? Coming back to 43 when (Michael) returns?

Rosemary Sinclair: Yes.

Cheryl Langdon-Orr: Okay.

Berry Cobb: Okay, so 44 is from the registry stakeholder group with respect to Page 9, Metric 4 under the measures of consumer choice. On Page 9 we believe the

meaning of quantity of TLDs using IDN scripts or languages other than English should be made more clearer with the understanding that the metric increases the number of TLDs offering these choices relative to 2011.

Refers to the quantity of operators offering actual IDN GTLDs. If this understanding is correct we believe it will be clearer with revised wording along the lines of increasing the number of TLDs and IDN scripts or languages other than English relative to 2011.

Since the current wording could be interpreted to cover only the use of IDN scripts on websites or in proportions, etc., but not in the TLD string itself. Same point probably applies to the next measure, quantity of register websites offering IDN scripts and languages other than English.

Rosemary Sinclair: Rosemary here, could someone translate that into English for me?

Steve DelBianco: If you just focus on what they have in quotations where they say - they want proposed changing what we had, which...

Rosemary Sinclair: Okay, okay, to increase the number of TLDs offering these choices relative to 2011.

Steve DelBianco: Right, and - yes, are they only changing the target column or are they changing the actual measure column?

Rosemary Sinclair: Yes, because - Rosemary...2011.

Steve DelBianco: Right and - yes. Is he only changing the Target column or are they changing the actual Measure column?

Rosemary Sinclair: Because - Rosemary again. Because we have that in the three-year target, that exact phrase, and I think the measure is how many of these things there are.



And then the target should be that there are more of them, and they want to take the target and make it the measure.

Steve DelBianco: You know, maybe the difference is that when we wrote the Target column, we wrote the word offering these choices and - which is really referring back to the two columns to the left.

It's referring back to the column where we describe the choice we're speaking of. It sounds like they just want us to load up the language in the Target column so it matches the language we use to describe the metric.

Rosemary Sinclair: But we understand that the metric - so that they're talking about the target as if it were the metric. It says, "To the quantity of operators offering actual IDN gTLD." Is that something different from what we have covered in the actual measure?

Steve DelBianco: The actual measure reads today, this is Page 9, "Quantity of TLDs using IDN scripts or languages other than English," and the Registries have repeated that in Berry's little summary on the screen in front of you.

Rosemary Sinclair: Yes.

Steve DelBianco: Okay, and then they went on to say - let's just jump down to where they say, "We believe it will be clearer to change the wording to say, 'Increase in the number of TLDs.'"

Well the word increase obviously isn't a measure. It's a target so maybe they're really saying that the Target column should read, "Increase in the number of TLDs and IDN scripts or languages other than English relative to 2011."

So because they start with the - yes, they start with the word increase so they're only referencing Column 4.

Rosemary Sinclair: Yes.

Steve DelBianco: And I think we should do that. It just takes a little more space in the column. It's what we meant. It's an easy one to give.

Rosemary Sinclair: Yes.

Cheryl Langdon-Orr: That - if that's the context then yes. If it's just the target, yes.

Rosemary Sinclair: It's Rosemary. I understand that now so - and I'm happy to support it.

Steve DelBianco: Beautiful. So we - it's the - two of the rows in a row - we can give her the two of these.

Rosemary Sinclair: That's right.

Steve DelBianco: And Berry, we're saying that the fourth column, which we called our Three-Year Target column, we had used shorthand in there saying, "Offering these choices relative to 2011."

And we shouldn't say offering these choices. We should say offering blank where we fill it in.

Berry Cobb: Yes.

Steve DelBianco: Does it make sense Berry?

Berry Cobb: Yes.

Steve DelBianco: Should we jump back to 43 now that Michael's back?

Rosemary Sinclair: Is Michael back? Are you back Michael?

Steve DelBianco: Oh, my bad. He didn't have the negative symbol next to his name. Sorry.

Rosemary Sinclair: Hearing nothing we - no. Okay.

Steve DelBianco: Want to go to 45?

Rosemary Sinclair: Yes. Yes. Are you - okay?

Cheryl Langdon-Orr: Didn't we just do 45?

Steve DelBianco: Forty-five's new.

Cheryl Langdon-Orr: No, no, no. But wasn't 44 and 45 detailed?

Steve DelBianco: Forty-four had two things in it. It had the Registrar and the Registry row  
Cheryl, so we wanted to have Berry do the same thing for both rows.

Cheryl Landon-Orr: Okay. All right.

Steve DelBianco: Yes, so it's two rows in our table but only one row in Berry's document.

Cheryl Langdon-Orr: Right. So pay attention to Berry's document then.

Berry Cobb: This is our document.

Cheryl Langdon-Orr: Sorry Berry.

Berry Cobb: That's what I like to hear.

Rosemary Sinclair: We see you Berry.

Steve DelBianco: All right, so this one should be the - all the Registries want us to do is to be explicit, because what we said is where Registries are based and that could be ambiguous, because when you say Registry somebody might conclude it's the operator.

Some might include it's the back end service provider, so we should be explicit and say operator.

Rosemary Sinclair: Okay.

Steve DelBianco: Where the Registry operator/operators are based. And an operator is not the same thing as the service provider. It's the operator who's the Contracted Party and that's the one we're holding accountable for this metric.

Rosemary Sinclair: Yes.

Cheryl Langdon-Orr: Correct.

Rosemary Sinclair: Yes.

Cheryl Langdon-Orr: And that work across all TLDs, GC or any other form that may come out in the future.

Steve DelBianco: Good, good. So Berry on the bottom of Page 9 where - it says, "Quantity of different national legal regimes where new gTLD Registry operators are based." All right, 46. Now we're in Detroit. Okay next page.

Rosemary Sinclair: Okay, next page.

Steve DelBianco: Okay, we do not believe in this...

Cheryl Langdon-Orr: Using hard copy world. It's all right, trust me.

Rosemary Sinclair: Okay. Berry, would you mind - ALAC modus operandi of getting Berry to read them out with the comments out.

Steve DelBianco: They're very long but this one - I could summarize this one quickly. It's a consistent concern where the Registries were saying that you shouldn't assume that a sunrise in a domain block is a defensive registration.

It's not necessarily a defensive registration. Okay we get that and we had a long talk about this yesterday and that we have three measures in here that are potential indicators - I think that's the phrase we used - potential indicators of defensive registration.

Rosemary Sinclair: Yes.

Steve DelBianco: Could be taken together because they're merely potential and not actual indicators. We believe that the three-year targets need to be generous. Generous is not the right word but the three-year targets needs to accommodate the imprecision of the measure and the tendency to over count the defensive registrations.

With that caveat - and we probably ought to put a row in our table so that all three of these measures on Page 10 get caveated that way. Yes, we came up with new language for instance on the redirects yesterday to talk about potential indicators of defensive registration.

So I would hope that by clarifying that we have three measures, all of which are just potential indicators, clarify that, that we don't mean to say that they are necessarily defensive and that we therefore set three-year targets that are high enough to accommodate any over counting in the measure.

Cheryl Langdon-Orr: Okay, how - I'm just - Cheryl here. I'm uncomfortable with the terminology high enough being associated with a data set like that.

Steve DelBianco: Then you could just say that we have set targets that are - that accommodate potential over counting. How about that?

Cheryl Langdon-Orr: Yes, that's - that will accommodate. Yes, that I'm comfortable with. Thank you.

Rosemary Sinclair: Rosemary here. It doesn't quite address their point because they are suggesting that we do not count, that early in the process we look at a registration or we're looking at two registrations and we say, "That one is defensive but this other one is not defensive, even though it's using the same name, et cetera," if you look in the middle of their comment.

So they are suggesting that we do not count which - so I think what I'm hearing us saying is that that's two specific examples. We can't see a way of not counting them, so we want to count them all but have the bar on the metrics prior enough. So let's see, registrations that are not really truly defensiveness to let them...

Cheryl Langdon-Orr: Correct. Count more but accommodate for the fact that we know that is an issue.

Rosemary Sinclair: Okay.

Steve DelBianco: That's right. And that accommodation is done three ways. We have two other metrics - defensive registrations and they're to be taken together. They're not supposed to be, "Oh my, you failed one of the three."

There's clearly too much defensive registrations going on in this new gTLD space.

Cheryl Langdon-Orr: Steve can we make that more blatantly obvious then, that it...

Steve DelBianco: Well yes, we were just discussing it. The header row above these three measures should indicate...

Cheryl Langdon-Orr: Jointly not severally. "The following measures are to be taken jointly not severally."

Steve DelBianco: That's right. "Where each is a potential indicator of possible defensive registration." They're not meant to be precise and the targets therefore accommodate potential over counting of defensive registrations.

Tobias Mahler: This is Tobias. So the issue of defensive registrations are so important and this was also the first thing I think that picked up in the blogosphere about the first report we issued.

Perhaps it would be a good idea to explain this approximation approach somewhere outside the tables. It's just, you know, that you communicate it in a more understandable way to many people who might not otherwise get this point so easily, either in the beginning or at the end of the document, somewhere where we just explain this, how do we deal with this in a general way and then we can understand the details by looking at the tables. Perhaps that's possible. Thank you.

Steve DelBianco: Got it. And Tobias, you're cognizant that in the table we occasionally have a row that has - it's in italics where we explain something about the next two or three rows.

It's useful to put it there since it's in italics. It pops out at you and in context it's right next to the actual three metrics. And I don't have any objection to also copying it outside the table, but you got to have it in the table so that it's right there when you're about to read those three metrics.

Rosemary Sinclair: Rosemary here. I'm actually just looking at the Page 10 in our document, and before this set of measures there is a little box in italics. What's there we would need to work on.

But I think it's good to have it near the material that people are going to be reading, but as an introduction to that section of the table.

Cheryl Langdon-Orr: Yes. That's my blatantly obvious statement. I think it needs to be in it.

Rosemary Sinclair: Yes. Yes.

Cheryl Langdon-Orr: Linking, you know...

Rosemary Sinclair: Okay.

Steve DelBianco: And we made substantial changes to the italics as well as to the three measures over the last couple of calls, specifically with respect to proxy and privacy and including this qualifier that it's potential.

With redirects they're just potential indicators. So I believe that we're going to address this comment by qualifying that these are only potentially defensive registration.

There are at least two other measures that should be taken in concert, and that the targets accommodate potential over counting of defensive registration. That would be my recommendation.

Rosemary Sinclair: Okay. So Berry are you clear on that and is there anything that - out of the chat that we need to pull into this discussion?

Berry Cobb: Vaguely clear. While you guys are having the discussion my Word crashed so I had to recover from that. I already have the action to go back through the mp3 to make sure that I captured everything, but in general we just need to



update our italic bar to better explicitly state everything that Steve had just mentioned.

Rosemary Sinclair: Okay. So then can we go on to 47?

Berry Cobb: Okay, 47 is also from the Registry Stakeholder Group referencing Page 11, Metric Number 4, Quantity of Unique gTLD Registry Service Providers Before and After its Expansion.

Is a ccTLD operator that becomes a gTLD operator considered a unique provider? We believe it should be. If this is the case the metric of 2 times might be achievable.

If not it might be hard to achieve because of the cost of becoming a new Registry service provider.

Steve DelBianco: Well it strikes me if you look at the footnote that Berry designed for this particular measure, we would be answering yes, that if a ccTL - because remember we started with the number 16, right, increase of 2X over the 2011 number, which was 16. And footnote - is it Footnote 4?

Rosemary Sinclair: One isn't it? Oh endnote.

Steve DelBianco: Yes endnote. Endnote 4 we got a VeriSign, Affilias, NeuStar, CORE, PIR and the mid-counties cooperative domains.

Berry Cobb: And this is Berry. I don't want to stop the discussion here but I did make an error with this one. This one should belong in the competition section, which we haven't started yet but I'll move it down there for the next version.

Steve DelBianco: No problem.

((Crosstalk))

Rosemary Sinclair: Rosemary here. Sorry Cheryl.

Cheryl Langdon-Orr: Can we just deal with it while we're on it?

Rosemary Sinclair: Yes we can.

Steve DelBianco: Yes.

Rosemary Sinclair: I'm confused because the introduction talks about the quantity of unique gTLD Registry service providers, but then we get - or the measure rather. Then we get into the commentary and it talks about ccTLD operators and...

Berry Cobb: Correct, because a number of ccTLD Registry operators or service providers are applying for new gTLDs, both flavors - back end and front end providers.

Rosemary Sinclair: Okay, but in our measures -- Rosemary here -- we have separate measures for Registry operators and Registry service providers. But this seems to put them all in the same bucket to me in the competition.

Steve DelBianco: Yes, let's look at - I'm going to dig up the Registry's actual comment. We may have misquoted it a little bit.

Rosemary Sinclair: I think you got it.

Berry Cobb: I've definitely reached the limits for Microsoft Word.

Cheryl Langdon-Orr: You found an end point?

((Crosstalk))

Cheryl Langdon-Orr: Wow. Now I really am in awe of you. You mean, I mean, you had me at pivot titles but now I'm really impressed.

((Crosstalk))

Cheryl Langdon-Orr: I became a - because we were all stuck looking up the words, I became a fan of Berry when he introduced pivot titles to the Vertical Integration discussion.

Rosemary Sinclair: Sounds like a...

Steve DelBianco: Hey, do you know what? To try to solve this you're right Berry. You copied it accurately from the Registry's comment and they referenced the service provider row, but then they ended up using the word operator in there in their sentence.

So are - they could mean both. We have spoken very clearly on this because in the Target column we actually indicate who they are. That's the beauty of the footnotes or the endnotes.

We actually listed the ones we meant so I think we are saying that it is an increase in competition if some of those folks that were either doing the operation or back end of a ccTLD decided to jump in the pool and work on gTLDs.

If that happens we treat them as if they're increasing the quantity of operators on the g side, right. If we're all okay with that then we're giving an affirmative answer to this one.

Rosemary Sinclair: Rosemary here. I'm okay with it.

Cheryl Langdon-Orr: Yes I'm okay with it.

Steve DelBianco: I don't know that we need to change the way we've written the table though, because we did say the word unique gTLD Registry operators and unique gTLD service providers before and after expansion.

Okay, so let's note that we support, we agree, we concur with the Registry's comment and that the endnotes make that clear.

Rosemary Sinclair: Well Rosemary here. Maybe we do have a problem because if we go to Footnote 4 we've got six unique providers, and what we're saying is if VeriSign - now say it was doing ccTLD support and now it goes into gTLD, what we have to capture in our language is that from our point of view, VeriSign, the same company, is two unique service providers.

Steve DelBianco: Could you clarify that that VeriSign is now two different entities because they made a new subsidiary?

Rosemary Sinclair: Well no they didn't do anything Steve. My understanding of your summary of the operator - the Registry operators point was that if someone who's operating in ccTLD space now decides to go and operate in gTLD space, that we should regard that as an increase in competition in the gTLD space.

And I'm quite happy with that but then when I looked down the list I thought, "Well that's what I would've said." The list isn't going to grow and I just took a chance with VeriSign.

If they're currently operating in cc space and then they go into new g space, then my list of Registry service providers hasn't grown. Where they're operating has changed for the better because they're supporting the emergence of the new market.

And then I got stuck on the word unique. For me the name VeriSign is unique. The fact that they're playing in the two sandpits causes me problems, because it's just the one entity but two different sandpits.

And I'm happy in terms of competition for us to say, "Well we've got better competition." But I got stuck in - back on the list because the list wouldn't change.

We would still only - well, from a VeriSign point of view there would be only one entry for VeriSign on our list.

Steve DelBianco: Right. If I could respond to that, the footnotes indicate the list that was in place in 2011 and we said that their - Footnote 4 says there were six generic or gTLD Registry service providers prior to expansion.

Rosemary Sinclair: Yes.

Steve DelBianco: So the endnote Berry probably should say that and this is not the list before and after. This is the before list. And then our metric, which was a very modest metric, was that there should be twice as many, which means that you should get 12 instead of 6.

Three years in there should be 12, not 6 unique operators. And VeriSign will of course be in both lists. They'll be part of the six. They'll be part of the 12. But there are only going to be one in this six and there'll be one of the 12.

Cheryl Langdon-Orr: That's okay.

Steve DelBianco: You with me? So that it ought to be very easy to hit 12, because we know of many other Registry service providers who are part of the 1900 applicant pool that was released today.

Rosemary Sinclair: Okay, we know that now but that's not the Registry Stakeholder Group comment as I understand it. The Registry Stakeholder Group comments, and I'm - I know they're mixing up service providers and operators, I am stuck speaking with service providers.

Steve DelBianco: Okay.

Rosemary Sinclair: They are saying if a service provider supporting ccTLD space becomes a service provider supporting gTLD space, we should count that as two and...

Steve DelBianco: Not if they were already in the g space. I'm pretty firm that they understood that if they were already running the g space, they wouldn't be in addition to the g space.

But there are ccTLD service providers today who don't play in the g space that hope to.

Rosemary Sinclair: Okay.

Cheryl Langdon-Orr: In that and in the new space.

Rosemary Sinclair: Yes. Okay so we...

Cheryl Langdon-Orr: That's what we are counting. We're expecting this to come from some of those. It is more likely than not that some of those six when they hit the target, and I'm pretty confident they will, will come from experienced service providers.

Steve DelBianco: Right. But when we designed this metric we didn't care where they came from.

Cheryl Langdon-Orr: Exactly right.

Rosemary Sinclair: Now...

Steve DelBianco: All we said is count them, count the ones who were still alive three years in and there ought to be twice as many as we had in 2011. And of course...

Rosemary Sinclair: Yes.

Cheryl Langdon-Orr: ...that up to our old experience. We don't care what their experience comes from. We don't care. We just need to see them change.

Steve DelBianco: That's it. Or not change. We need to see it grow.

Rosemary Sinclair: Now I'm - Rosemary here. I'm happy with that now. Okay.

Steve DelBianco: Hey, we have Michael Graham back so before we jump to new entrants, we should jump back to the one he was working on.

Rosemary Sinclair: Rosemary here. I've just got to disappear for five minutes now, so do you mind taking the chair Steve?

Steve DelBianco: Not at all.

Rosemary Sinclair: Thank you.

Michael Graham: Which one was I working on Steve?

Cheryl Langdon-Orr: Forty-three.

Steve DelBianco: Forty-three. Michael we would like to add a metric for traffic and we haven't figured out how to say it. We understand the traffic will be an important measure not only of competition, but of choice and even trust.

So we want to measure traffic. We know we can't get it from the zone files. ICANN can't give it to us but we're hoping it's something like Alexa, an objective third party data service, could give us statistics on traffic.

And we need to propose some sort of a definition. I wrote one and I was going to - it's in the chat. I'll repost it to the chat.

Michael Graham: Okay. Let me...

Cheryl Langdon-Orr: I - and I love the fact you can spell contemporaneously but you can't spell should.

Steve DelBianco: Thanks a lot Cheryl.

Cheryl Langdon-Orr: I think it says a lot about how we think and write actually Steve.

Steve DelBianco: All right, I'm about to hit the Paste button after I fix my typos from Cheryl here.

Michael Graham: And while you're typing that Steve it's actually not going to be Alexa that we'll use. Alexa will only traffic or track the top, you know, maybe 10,000 domains out there.

When you start looking at domains that have hardly any traffic they don't show up with stats, so really the provider of this information will be DNS scrubbers that will scrub DNS traffic so that we can understand that.

Steve DelBianco: And tell me more about those scrubbers. Are they vendors who will sell their reports to us or do we have to contract them specifically to go measure this?

Michael Graham: I'm not an expert at it but I am familiar with one entity that pays for that traffic.

Steve DelBianco: And they're paying for it - I assume the ISPs are the ones who provide the data.

Cheryl Langdon-Orr: Well they're the one system where the data comes...



Michael Graham: No. I just - I know like Internet Identity that does all of the abuse reporting and service providing - they do the actual DNS scrubbing themselves. Now, how they acquire that through the ISPs I'm unsure. But there are several service providers out there that seem to be doing this.

Cheryl Langdon-Orr: Steve while you're thinking on that, I think if I can channel Olivier for a minute he was also suggesting that the use of something like Alexa - it could be part of the data set bundle because if for example there was a measurable proportion of new gTLDs appearing in that top listing, that would be an interesting observation and indeed worthy metric.

Steve DelBianco: Okay. So I think that when we finish coming up with a metric, we should have under the Data column an indication that data services such as Alexa could be useful for top traffic sites, and other sources should be explored for lower traffic Web sites.

Cheryl Langdon-Orr: Yes.

Steve DelBianco: But that's referring to Column A, which is what do we say as for the metric? And then Michael since this is something you brought up, what's your feeling on the definition I just proposed?

Michael Graham: I like it. The only - I actually only have one minor change and that was simply to repeat user traffic in before contemporaneous. So that last sentence would read somewhat redundantly but correctly.

“User traffic in new gTLDs should be compared to user traffic in legacy gTLDs.”

Cheryl Langdon-Orr: Yes.

Michael Graham: I don't know if we need contemporaneous because that would be user traffic at the same time of both of those.

Steve DelBianco: Yes, that's what I mean by it and I only wanted to show off that I could spell it. We didn't say it everywhere but sometimes we compare the things in 2011, but most of the time we compare it to gTLDs legacy.

We're almost always comparing the same period aren't we? So we don't need the word contemporaneous. In fact it's an extraneous contemporaneous word.

Michael Graham: The contemporaneous contemporaneous word.

Cheryl Langdon-Orr: Oh. Oh God. Down the coffee.

Michael Graham: So - but I think, you know, just pointing that out that we're looking at the same thing.

Cheryl Langdon-Orr: Yes.

Michael Graham: But that would be fine. And yes, I think leaving it open because, you know, I suppose the only thing in handling the metrics where we're actually looking at empirical data on something like Web traffic, the only thing that concerns me is that in the data, that data should be from the same source so that the - presumably the same uncertainty is applied at both the test that is made now and the test that is made three - one year down the line.

Steve DelBianco: Well this is not a test of coming back to today. This is a in parallel test.

Michael Graham: Right. But it would be looking at - well in looking at that would the metric be that we would be looking at greater traffic overall or greater traffic in the new gTLDs?

Steve DelBianco: It says, "We're looking to compare and the comparisons will be two ways. We'll look to see growth in the new space relative to the legacies - contemporaneous."

Michael Graham: That should be in there as well then.

Steve DelBianco: Right. So in 2015 you look at the new and the traffic is 2 billion hits in 2015, and that's up 40% from the year before. And at the same time the traffic in the g space, the legacy for the same period, was 8 billion hits and it was up only 10% from the previous year.

So in that case the comparison would show that the legacy still had the - most of the traffic because they had most of the domain. They're growing perhaps less quickly than the new space, and that would be an indication that the new space is fulfilling some measure of consumer trust.

They're exercising their choice by going to those sites, whether directly or by clicking on a search engine, and that that is also probably an indicator of competition.

Michael Graham: And I think importantly because otherwise, I mean, you may have all the new domains in the world but if nobody is going there it really isn't offering a choice that's being utilized.

Cheryl Langdon-Orr: Correct.

Steve DelBianco: So I took out contemporaneous and I repeated user traffic and reposted it to the chat. And I did put the word exercise choice, not just potential choice because potential choice is measured elsewhere when we measure the quantity of choices. This is only an empirical measure of the dogs eating the dog food.

Michael Graham: Right. And then I guess the source then you had just stated would be Alexa.

Steve DelBianco: Berry did you have a line for that respect to Alexa and - as well as other sources that deal with lower traffic Web sites?

Berry Cobb: Just - I'll just put DNS scrubbers/Alexa.

Steve DelBianco: Okay. And Michael just so you're clear, for interest purposes this will be an approximation. It will not be an actual measure of traffic. They do sampling. They don't necessarily look at every single TLD.

The only way to get that is to go to the ISPs and every ISP on the planet to ask them about what they're serving up to people.

Michael Graham: Right. I, you know, I understand that and I don't think we anticipate - we're dealing with trademark attorneys not patent attorneys so...

Steve DelBianco: Attorneys? Oh really? Not the anal ones right?

Michael Graham: So, I mean, and we understand what we're looking here - for here is not so much the accurate numbers as an accurate reflection.

Steve DelBianco: Right.

Cheryl Langdon-Orr: Exactly.

Steve DelBianco: And I think in the Target column we should go ahead and indicate not that the new traffic should be greater than the legacy. I don't know that that's even something we want to measure.

We want to compare them in order to show growth in the new gTLD traffic relative to growth in the legacy gTLD traffic.

Michael Graham: Right.

Steve DelBianco: That when - we expect the new to be growing faster than the old.

Rosemary Sinclair: Old.

Michael Graham: Right. So we're not looking for greater traffic in the new than in the old. We're looking for greater growth in the new than in the old since this is a new zone of choice.

Cheryl Langdon-Orr: Correct.

Steve DelBianco: I think so. I think so and given that growth is relative to the prior year, the tiny denominators in Year 1 and 2 on traffic - it'll be relatively easy for the new gTLDs to show a doubling of traffic each year as they ramp up, because think about it.

I mean, some of these won't even get into the zone until 2014 or '15 because of batching, and they ought to do just fine on this.

Cheryl Langdon-Orr: And can I just suggest too -- Cheryl here -- that there is a reasonable expectation the general TLD traffic, not even general TLD traffic, can increase by the, you know, drop in a pond effecting a ripple effecting everyone type stuff that happens with new gTLD expansion if it is successful and does get consumer trust and confidence.

Steve DelBianco: And let me ask somebody - the engineers on the phone. If a redirect was in effect for NetChoice.org, does the traffic end up counting it twice? It probably doesn't. I think the ISP tries to get a resolution in the redirect. Who knows?

((Crosstalk))

Steve DelBianco: No they can't redirect. They're just measuring price.

Berry Cobb: Yes. You would count twice because when you do that redirect you have to tell it where it's going, and so the cache or the DNS will have to know that secondary address.

Steve DelBianco: Okay. And that's another reason for Cheryl's ripple effect - some redirects. Okay Michael, you think we're good on this INTA comment?

Michael Graham: Yes, I think we've addressed that fine.

Steve DelBianco: Hi Rosemary, you're back so take it up to the next one.

Rosemary Sinclair: Okay. Thanks Steve. Now - so I think we're at 48 or - yes. Got through 47. Thanks for all your patience since, you know, it got to me, so 48.

Steve DelBianco: Okay 48 is also by the Registry Stakeholder Group with respect to Page 11, Metric Number 6, The Relative Share of New gTLD Registrations Held by New Entrants.

"For purposes of this measure new entrants are gTLDs run by Registry operators that did not operate in a legacy gTLD." Their question was, "Does this count existing ccTLD operators who become gTLD operators as new entrants?"

We believe it should and this should be explicit. And team, the answer is yes. It - and we did make it explicit. Read the - our second sentence says, "For purposes of this measure a new entrant is gTLD by an operator that didn't operate in legacy gTLD."

And if we want we could probably put a footnote there and endnote, because that would be Endnote Number 3, which is currently 16. What do you think Berry?

Put a - put Endnote 3 on Number 48 or reference the same list of 16 operators.

Cheryl Langdon-Orr: Yes okay.

Steve DelBianco: And so we're agreeing with the Registries on this one and we'll even dot the I and cross the T by referencing the list.

Rosemary Sinclair: Rosemary here. I'm happy with that.

Cheryl Langdon-Orr: Yes. Cheryl here. Ditto.

Rosemary Sinclair: Good.

Steve DelBianco: Okay, Number 49. We have already reviewed through this one, which was Chuck in our Costa Rica session and this basically is what we've beat to death about not counting privacy proxy registrations.

Rosemary Sinclair: Okay so it was...

Steve DelBianco: There was - I did add a quick comment here. Michael in your secondary - or secondary reply comment you had mentioned for Number 49 separate numbers should be developed for sunrise and defensive registration as many sunrise sites are not merely defensive.

I think we've covered that. We understand the notion that the future review team's going to have to deep dive around what a defensive registration really is, and we all understand that a registration in sunrise does not always equate to a defensive registration.

And we're going to state it explicitly in the italicized notes that it will precede those three measures.

Michael Graham: Okay that's good.

Cheryl Langdon-Orr: Yes.

Berry Cobb: It's just a friendly reminder. Save your work every second.

Cheryl Langdon-Orr: Oh Berry. Oh. You haven't lost it again though, have you?

Rosemary Sinclair: Oh no.

Berry Cobb: Going on four crashes now.

Cheryl Langdon-Orr: Berry.

Berry Cobb: All right, so Number 50 is from the United States government. This is from their comments. They're referring to consumer trust in the Metrics section. I'll read through this very quickly.

"Consumer choice measures. Consistent with our proposed revisions to the definition of consumer choice, measures of consumer choice should include measures of price, which is an important dimension of consumer choice as well as quality and diversity of offerings.

Seeking information on these factors will help determine whether consumers have meaningfully expanded choices on various dimensions including price, quality and diversity of product offerings.

The proposed criteria for evaluating defensive registrations should be modified, first calculating defensive registrations. Page 10 is too narrow to the extent it focuses only on registrations of domains that were previously registered in light of the TLDs.



Defensive registrations could also follow a form, among other things domains that were previously registered in ccTLDs or new gTLDs that were introduced before another new gTLD commences operation.

The criteria to quantify defensive registrations should be expanded to include those possibilities. Conversely the proposed criteria for defensive registrations may be too broad because it is unlikely that every registration in the new gTLD of a domain that is already registered in another TLD will be for defensive purposes.

We suggest that the survey proposed and the tables are on Pages 6 and 7 (be) data on this issue so that adjustment might be developed to take account of the purposes. And I'll stop there. There's quite a bit to deliberate on.

(Rosemary): (Rosemary) here. Are there any comments?

Man: Yes, let's do whatever we can with our survey (role). I mean, I told you earlier that I met with U.S. government today and I probed what they were getting at here. And this one does not take us down that dead end of cost versus benefit, so it does deserve some attention.

But whenever possible, the survey or registrants will be the place to go where a registrant says, "Yes, I'm in the new space but I'm there for a defensive purpose." And we did say we would do a survey. The survey on consumer trust would include a question that gets to whether people were doing duplicates. I'm talking about the third row of Page 10 of our table. That's the consumer choice measures.

We're going to survey duplicate registration. So could we ask other questions in that survey where we ask people was this for defensive purposes or was it to acquire new traffic?

(Rosemary): (Rosemary) here. If - since we're asking the specific question about duplicate registrations, I mean, that section of the survey, it strikes me that we should be a little more (interactive) because people might answer the specific question no for whatever reason but not feel that that's really capturing their intent of why they did what they did. So if we broadened that a little, then I think from the consumer point of view that would probably be a good thing.

(Steven): Would we be limiting ourselves by sampling only those that we suspected were duplicate registrations? Because the way we wrote it a couple of months ago was, "Survey a sample of duplicate registrations in new gTLDs where duplicates are those where the registrar reports having and still maintaining the same domain."

So we probably don't want to say that the survey vendor would restrict themselves to ask the questions of people that are duplicates. Instead, the survey vendor would pick a statistical significant sample of registrants in the new gTLDs. And then ask a series of questions, right, about why they registered, if they redirected, if they duplicated.

You could even ask them if they're satisfied that they had an effective choice and if they're satisfied that there's additional competition. Why not throw the whole kitchen sink in there if we're going to do a survey of registrants?

(Michael): (Michael) here and as I'm reading this and what you just said, (Steven), it seems to me that the intent of this - and correct me if I'm wrong - when this was originally written was to determine the number and type of defensive registrations that may have been made as part of each of these registration rounds of applications.

And then to find out the information about those defensive registrations and I'm asking that with a confused look on my face which you cannot quite see, because what it says is survey example of duplicate registrations in new gTLDs.

And my response to that from an outsider's point of view would be, okay, what are you surveying, what are we trying to find? I think your suggestions, (Steve), that we broaden this and that the intent of this is not to survey what we have narrowly defined as defensive registrations, those registrants, but to survey registrants to determine, one, was their application a defensive application? And if so, was it a duplicate? Was it utilized through a sunrise provision? Or in what way were they acting defensively with that?

And then compare that to the number that said, "No, this is not defensive," and have a photograph then of, you know, the number of registered gTLDs that were out there that we project this onto and say, "This is the percentage that were defensive. This is the percentage that was not." And that gives it real choice and is real competition.

Man: I'd like to register my agreement with that and suggest the way we rephrase the definition - sorry - rephrase this measure is to say to survey registrants in new gTLDs. Take out the words, "A sample of duplicates," survey registrants in new gTLDs, strike the next sentence and suggest that survey questions would include motivations, registration, intentions, to be defensive, satisfaction, with the choices available and perceptions of greater competition has been available as well.

So we're not going to delineate every single question but get to the flavor of the kinds of questions. And I think that's right, (Michael).

(Rosemary): And (Rosemary). I support that approach. I think that's great.

Woman: Yes, it gives sufficient specificity for the review team to look at without trying to, you know, write the damn thing for them.

Man: And we would be able to respond to the USG to say that advice on the survey, we're going to take your advice on expanding that survey to dive into

the - more of the nuances of defensive registration. Question for the team is does that really address everything in the paragraph here on this item?

(Michael): (Michael) here. Well, the other thing that they raise right up front is, of course, prices. And I presume that means prices of goods that can be found at the various sites.

Man: No, no, no, no. I think it's the price of buying a domain name. I mean, I can't believe they're talking about...

(Rosemary): No, no - (Rosemary). I'm sure it's the price of the domain name.

Man: Okay.

(Cheryl): So we should keep away from prices.

Man: Yes, well, wait until we get to the rest of the U.S. government comments. It's all over the place.

(Cheryl): All right, can I declare myself as not being a free market economy (unintelligible)? Sometimes people pay for what they want to get and that may not be bottom dollar.

Man: No, I said that to them today, (Cheryl), because I said, "It's hard to measure the benefits versus cost on defensive registrations because if I pay \$30 for a registration, it was defensive. Then I know the benefit was at least \$30 or I wouldn't have paid it." Anyway, do any of our choice measures get to the notion of price for the registrar?

(Rosemary): (Rosemary) here. So we're in competition I think, aren't we?

Man: Negative. We're still on consumer choice metrics.

(Rosemary): Okay, sorry. On Page 11, our measures related to prices are in our section on competition. So could we just hold the point that the USG is concerned about prices until we get into our - for when we get into our competition area? I think, from my point of view, the problem that the economist and policymakers who have been working in competition for ever and ever and ever have with prices.

Is it from a consumer point of view so much of it is value based? And the example I always use in (unintelligible) is discussions if the price of an SMS or a text is, you know, thousands of times it's marginal costs which is kind of like zero.

And, yet, we're all pretty happy to pay. So I think there's a whole area there where research in economics needs to kind of catch up with quite different markets. But we should hold my suggestion, at any rate, as we hold all discussion about price until we get into our competition (picture).

((Crosstalk))

(Cheryl): ...but you'll probably find out a whole lot more about me when we do.

(Rosemary): No, I think - I'm just trying to put all that discussion into one boxing ring, (Cheryl).

(Cheryl): Okay, fine. So I can gird my loins for the battle to come. Fine, I can do that.

(Rosemary): Get your (unintelligible) out.

(Michael): (Michael) here. In preparing your response, then, is to point out to the extent that they're raising this question of price, is that something appropriate to discuss in connection with competition and not necessarily choice?

Man: That's a little too quick because they are asking us to change - putting the metrics aside for a moment - they did ask us to modify our definition of choice, whatever the metrics are. Their proposed modification of choice included a second sentence we wanted to throw away because it's all about cost and benefits.

But they made a small change to our definition of choice. They added a parenthetical and they added one word. They added the word meaningful, meaning that they said that the consumer choice is defined as the range of, "meaningful," options available to registrants and users for domains, for choices, et cetera.

And then they put a parenthetical after the word options and taking into account price, quality and product diversity. So you could concede that my choice is affected not just by being able to get a domain name in dot shop or dot store but the price matters too. Yes, it's okay to have a choice but if it's exorbitantly expensive it's not as good of a choice as if it's affordable.

So there is some value to consider price in the definition of whether effective choice has been delivered. If we modify the definition the way the handful of words they ask for, the challenge for us becomes, well, then do we have to design metrics in the table that specifically go out and measure the stuff we put in the definition?

And we've always tried to maintain a loose connection there. If we define something then we said we would go out and try to measure it. And the threshold question is whether you buy the argument but the choices available to me as a registrant, the quality of those choices, how meaningful they are to me is a function of the diversity, the quality, reliability, oh, and also the price. I find it hard to argue with that.

- Woman: (Barry), could you pull up where we got to with our definition of consumer choice? Have we built with this to the point of changing or not changing our definition? I just lost the (clock on that).
- (Barry): Yes, let me pull it up. Item 29?
- Woman: Twenty-nine, yes.
- Man: Oh wait, consumer choice - consumer trust, we modified considerably. Consumer choice, haven't update in the document yet.
- Man: Okay.
- (Rosemary): Back to (Steve)'s point. We could still include, if this is what we decide to do - we could still include in the range of meaningful options, brackets taking into account price, quality and product diversity. We could still leave that in the definition but have our measurement of price in the competition section.
- Man: I agree (Rosemary).
- (Rosemary): Yes, so let's just confirm one way or the other whether we did accept that amendment of the definition to be - to (base aside) price, quality and price because I've just forgotten and I think we need to be clear about that.
- Man: I don't believe we did. What we did change was that we were going to include meaningful and we we're going to add a note number two - meaningful options will include price, quality and product diversity.
- Man: Oh okay. We did it in the note instead of changing the definition?
- Man: Correct.
- Man: Oh, great compromise.

Man: Yes.

(Cheryl): Yes, that works. That's good.

(Rosemary): I'm speechless, (Cheryl), by your last comment in the chat.

(Cheryl): Oh, I was just responding to (Jonathan).

(Rosemary): I think I would've followed the thread.

(Cheryl): But it is a benefit. Sorry. I was just being very particular about the (unintelligible) available on the Internet and that's fine.

(Rosemary): So now where does - not the chats, the viewer's (government) comments? Where does that take us? So we're speaking about definition. We've got the measurement as a mention of price in the notes. So we don't need to worry about a series of measures in consumer choice that relate to price. Have I got that right?

Man: The way I understood it.

(Rosemary): Yes. Okay good. So now just going through the next - with regards to three year targets. Have we (got three year target) comments?

Man: I'll just read this out real quickly. With respect to three year targets, for the various measures and defensive registrations on Page 10, proposing that such registrations should not exceed 15% of total registrations, it would be more appropriate to measure the cost of defensive registrations than simply to calculate the quantity of such registrations without more information.



It is impossible to determine the overall effects of the defensive registration rate of 15% on whether the introduction of new gTLDs will produce benefits and excessive costs. And...

Man: (Steve), can I get in the queue on that?

Woman: (Yes), (Steve), go.

Man: So in my meeting with the Justice today, I explained how it's not even part of the affirmation that we would balance costs and benefits. So we established that. But I acknowledged that two to three years from today, when we're designing the next round of rights protection mechanisms or we're fine tuning them or designing the next round of new TLDs, it would actually be instructive to know, well, what were the costs of defensive registrations in this 2011 round - 2012 round?

And if we could get that, that doesn't mean we have to go out and get all costs nor does it mean we have to go out and get all benefits and balance them out. We're not going to take that on. But defensive registrations are really at the core of probably the most legitimate objections to this expansion and how it's being managed.

And I do feel like we could add two rows to get the defensive registration costs. And (Michael)'s brought this up two weeks ago from INTA's comments. One would be seeing if we can capture enough data - and by the way, the Commerce Department asked for all this in the competition section so we're going to get to this - but if we had data on the actual domain names that were sold that were registered in the new space, then you can multiply that times the percentage that we assumed were potentially defensive.

And you'd get the portion of registration costs that were defensive. Right? Now you can get - with 1900 new operators, it isn't going to be easy to get 1900 of them to tell us how many were sold at what price, especially because

they're not the resellers. The retailers are the registrars so there's a significant quantity of registrars that would have to be canvassed and report the number of domain names sold and the dollar revenue of the sold names.

And we'd have to calculate that for every month or every year or the next three years. If you had that number, that's the registration revenue, then you separately go to our defensive registration statistics and let's suppose we came up with 11% - 10% based on all three metrics. Well, then you could apply that 10% times those revenues and say that's the cost of defensive registration.

That only counts, however, the explicit costs paid to the registrar and registry. It doesn't count the money spent inside of a company on internal costs and external legal costs to pursue the recovery or to shut down an infringing Web site.

See, because the only ones they buy defensively are the ones that they know that the cyber squatters are going to try to use. A fair amount of (Michael)'s costs, (Michael), are chasing down a typographical variant that you never anticipated that is sucking away traffic and confusing your customers.

To get that data requires a survey and you said this yourself. You get the survey registrants - and by the way, we did come up with a survey of new gTLD registrants just a half an hour ago. But we asked them about defensive registrations. In that same survey, we would ask them what did you pay for your defensive registrations to registrars or registries?

And another question is, what were your internal and external legal costs on defensive registrations and pursuing infringing registration? So I'll stop there and it basically calls for adding a new row, that we get data from registrars and adding another element to this survey on defensive registration.

(Rosemary): (Rosemary) here. Certainly in response to that, I suspect that's much narrower than they have in mind when they're talking about costs and benefits. This whole - it's a continuation of a discussion coming out of the economic framework document.

So they're talking about costs and benefits to society as a whole, their economic costs - conflict. So it's not just the cost to the people defensively registering. If you're assessing costs in this way, you have to take account of cost to the consumers and cost confusion and it's a very, very broad process and it's simply way out of scope for what we're trying to do.

And I think we should just take that position, that we hear them. For many years they have been saying to ICANN, "We don't think you should do this unless we're sure of the economic welfare outcomes of this expansion of the program." And that's what they're saying here in my view. They're basically saying, "You still haven't done the cost benefit analysis of the expansion of the gTLDs. And you should do it now."

I think that's territory that's beyond our scope happily. I think we should have whatever discussion we're going to have about cost in (descent) prices and as you say, (Steve), that's just one element of the cost in our competition section.

But this whole issue of cost benefit analysis, I think we need to deal with it clearly and really deal with it once. So...

((Crosstalk))

(Cheryl): Yes, look. While I see what you're saying and I say yes, I agree on that, I still think there is a benefit to having some simple questions added to the registrant survey. I think it works to make the - raise concern of some data on it but without getting us into what is out of scope? And I agree with you (with what is) out of scope.

(Rosemary): And (Rosemary) here. And I'm quite happy with that and (Steve)'s comment in the chat that we ask some questions about defensive registrations. One of them is how much did you pay and were you happy about that? That's an entirely different medicine, this cost benefit analysis stuff where, in fact, you're trying to predict the cost over the next 25 years but if you can assess the benefits over the next 25 years, you might include all the costs in the first two years and none of the benefits.

But if you look 25 years down the track, and the easiest way to think about this is, like, the cost of building the telephone work or the cost of building the road. You incur all the costs...

((Crosstalk))

(Cheryl): Or the cost of buying the automatic franking machine and folding for the ledger stuffer that you did five, ten years back when you used to think mail was the way to advertise. I mean, you know, sorry.

(Rosemary): So - that's right. So if we just sidestep the whole cost benefit analysis thing, we've got our survey with specifically focusing on sense of registrations and now we can include the amount paid. I'm happy with all of that.

(Michael): (Michael) here. It's with a heavy heart that I have to agree insofar as one of my rules was reviewing the economic analysis as part of the INTA committee and screaming about the fact, one, that is was not accurate and, two, that it was answering the question that was being asked in the way that supported the answer. It was designed in that way.

However, I do agree, I think the cost benefit analysis, as I see the goal of these metrics, is beyond the scope of what we were asked to do. I do agree, though, that looking - having the ability to put together the metrics of the cost in the survey would be useful in the type of information and I suppose if I can

say photograph or motion picture, that we're trying to enable the metrics to provide, which is looking at these specific answers. So I agree, I think, with (Rosemary) on that.

(Rosemary): So I think - (Rosemary) again - I think somewhere in our document, and I'm not sure where, we need to say that the issue of cost benefit analysis was raised in the public comment around our draft (desires), that we feel firstly that those issues were canvassed in the discussion around the economic framework analysis and, secondly, that those issues are out of scope for this particular working group. (Steve)?

(Steve): Yes, I agree with that but we can go further and explain that the cost versus benefit was not part of the review in the affirmation of commitment nor was it part of the board resolution and that's why it's out of scope.

(Rosemary): That's good. Yes.

(Steve): We have such good arguments for why it's out of scope. I went on today, with my meeting with Justice to explain how it's practically impossible to total up all the costs and even to begin to quantify the benefits side, because why bother doing half the exercise, the cost side, if you can't get any (of the revenues), the benefits side?

And they were somewhat speechless. I await their response. So I agree with you. We should have that caveat in here. I'll be happy to draft it too. But returning to this point, we're all in agreement that the survey of new gTLD registrants would include questions about their experience, their satisfaction, and oh yes, what they pay both internally and externally for what they perceive as defensive purposes.

But that is just the survey. I was also suggesting adding a row where we turn to ICANN to get actual data on what is paid to register domain names in the new gTLD space. So that data, then, can be applied times percentage

defensive at some point by someone else. Not by us. That they would calculate the percentages we came up with on our three measures and they would multiply that times the total registration revenue. So the question write out for you, (Barry), is that under the new contracts, does ICANN get data on the revenue for name registration in the new gTLDs?

(Rosemary): (Rosemary) here. Before you go to that, (Barry), I'm not sure of, (Steve), how that metric links to what we're trying to do.

(Steve): May I explain then?

(Rosemary): Yes.

(Steve): If, (Barry), by some magic, could tell us the registration revenue at retail prices, not wholesale, in the total new gTLD space - because I already know they know the number and names. That's how they calculate the fees that the registrar will pay. If we knew that, you'd have a number. Let's say, in 2015, the total amount paid for the new gTLDs, registrations, was \$500 million. And then separately, we have come up with three ways to get to the percentage of names that are defensive. And we came up with something in the neighborhood of 10% defensive. Well, one could apply the 10% to the \$500 million and they could work their way towards the cost of defensive registration.

(Rosemary): (Rosemary) here. Why do that? Because we've just decided that's out of scope.

(Steve): No, what's out of scope is a full accounting of costs and benefits but I'm trying to make the argument that the largest single cost, the one that we have a lot of trouble with is the cost of defensive registration. And that's the elephant in the room. It isn't going to go away. It'll be here when this review team analyzes it.

And it'll be kind of a ridiculous omission that we worked hard to say the percentage of defensive registrations but we didn't ask ICANN to gather any data that could be useful in determining the cost of defensive registrations. We're now half pregnant because we all agreed we would ask the survey of what they spent but one cannot apply a survey percentage to a global population if you didn't capture the global data.

(Rosemary): The problem I have is going from out - I've got a range of problems. (Rosemary) here. One is going from our three potential indicators of defensive registrations. The second thing is the cost of the registration from the point of view from someone who's worrying about defensive registrations - the actual cost, the money paid to ICANN, will be the smallest part of their cost.

It will be all the damage done to their brand and the running around in corporate legal and the consumer confusion and those costs, we won't be including in our cost side of what is not the cost benefit analysis. But those are the really big costs.

And then, of course, even if we have the costs, we've not got the benefits. So we're - our contribution is partial and I don't - I really don't see that it's going to add anything.

(Steve): I know we're on a - we're on a time check so I'll stop. I don't want to try to answer that right now. We'll save it for the next call. But keep in mind, with the competition section, the statistics that I've just described the capture of are the heart and soul of what the U.S. government wants in the competition side. So we're going to deal with this again a little later.

(Rosemary): Okay, (Rosemary). Very quickly here, there's a huge gap in my mind between collecting information about the prices consumers pay for registrations compared to the economic costs that you need to collect when you're doing a

proper economic cost benefit analysis. Those two things are very, very different.

So we'll hold all that for next week. Now (Barry) wanted me to keep ten minutes, which I haven't done, (Barry), but I've given you seven minutes to talk about Prague and Power Points and other bits of administration, so over to you.

(Barry): Great. Thank you (Rosemary). So based on our schedule, we essentially just have next Tuesday that we'll meet again and then everybody flies out on Thursday and then next weekend is when we'll be potentially briefing the GNSO council and the GAC about our efforts.

A couple of things going on here. Our original intent was to try to have the final advice letter completed yesterday and until we get through all of these comments, the final advice letter won't - can't be completed until we've done just that. So the question on the question on the table is twofold.

First, is you know, what does the working group intend to brief the GNSO council on? The sub question to that is what will we be briefing the GAC about? And there was a third question which I lost. Oh, and what materials are we going to be supplying to them in this briefing? And I'm going to close that out with the caveat that there is probably a decent chance that when we brief the GNSO on the weekend prior to the GAC, that there will be friction that what the working group has created here has not been deliberated by the GNSO council so that may go in conflict with what the working group would like to accomplish with the GAC.

(Rosemary): (Rosemary) here. If I can just respond to that last point. That came up in the short discussion where I was chatting with GNSO council about sending the letter to GAC. And my response was that we were still in the public comment phase.



And that will be still true I think in Prague. Not where people provide their public comments but we're actually trying to deal with them. So that seemed to settle that matter at that point. And it was GNSO council. And when I think about Prague, I'm thinking the same thing, that what we want to do is brief people with progress in process in the public comments that we received.

We won't be briefing people on what our draft advice will be before we give that to the GNSO council. But that's my kind of (unintelligible) construction of what we'll be up to in Prague.

(Barry): And (Barry) so, if I can derive from that answer, then, we'll only be looking to provide just a Power Point. We won't be providing an update to the advice letter of the latest and greatest.

(Rosemary): Let me just respond and then we'll go to (Steve). I just feel that that the work that we're doing is extremely important and that we ought not just try and rush the last of this which is going to be difficult and controversial in order to make our self-imposed deadline, that we ought to just continue with our moderate and measured approach to finishing this work. (Steve)?

(Steve): Thank you. I agree with all that and what's suggested, if we presented anything, it could be the first nine slides of the Power Point. We potentially could update the definitions assuming we get them done before Prague. Just the definitions.

And then rather than dive into the table which is full of red ink, I would highlight three or four of our most lively discussions, for instance, the scope of cost versus benefits, the discussion of defensive registrations, the question about whether we could get price data for competition assessment purposes and the types of things we want to measure to assess consumer trusts.

Just those four bullets, one slide each, where we would inform folks about where we started, the kinds of comments we received and where we're

leaning right now, or at least what the debate has been within the working group, because those are the immediate topics. It's what everybody would ask about if we had Q&A anyhow. And you do all that without actually revealing an updated advice letter because we haven't published it yet. Okay?

(Rosemary): Yes, thanks (Steve). So (Barry), does that make it clear enough for you to do the preparations for Prague?

(Barry): Yes, I'll try taking a stab at a second version of the Power Point and the motivation for me asking this is that I'm catching heat internally to be able to distribute whatever it is we are going to present to the GNSO council and to the GAC so that they can prepare and time. And pretty much the end of this week is kind of the deadline to try to get some of those materials over although I might be able to push it into next week.

(Rosemary): If you adopt the higher level framework approach that (Steve) just outlined, it seems to me that you could make the end of the week deadline.

(Barry): Yes, very good. And so if I hear this correctly that basically post-Prague, we'll continue our normal course of action of completing the comments and completing the final draft and then we'll just try to map out that schedule and hopefully be able to hit the July, if not early August, council meeting for formal submission then?

Man: That sounds right.

(Rosemary): Yes, that sounds - because that also means an updated timeline slide.

Man: Slide 7, so it's roughly nine slides plus four new ones.

(Rosemary): Yes.

(Steve): And (Barry), I'm happy to work with you on drafting those slides, circulating into (our team), whatever you like.

(Barry): Okay great.

Man: So the only other thing that I'll say is for our session for next Tuesday, we basically completed consumer trust and consumer choice. I've started to make edits into the next version of the advice letter. I hope to have all of the recommended actions loaded into the advice letter so that we don't necessarily review it at the next meeting but at least it'll be the latest and greatest that we have. I suspect there may be one or two clarifications that I'll need from the working group but we can do that (unintelligible).

Man: How many more rows in this document?

Man: Seven - there's 24 to review once we get into competition at our next session.

(Cheryl): And some of those are going to be bundled because of our, at least, proposed existing stance on some of the matters.

Man: And pursuant to my earlier suggestion, let's see if we can get the three definitions nailed really early on the call, so that those updated definitions could be part of what we present in Prague.

(Cheryl): Yes.

(Rosemary): Yes, that's a great idea.

Man: Yes, I think that will be important.

(Rosemary): And it'll be just a good check for all of us, too, because we've been in the weeds for a few calls now, haven't we? Okay everybody, I think any last comments or - from anybody?

(Cheryl): Other than thank you. I think we did - we're actually doing extraordinarily well because there's some fairly (meeky) stuff here.

(Steve): Hey, and there's no call this Friday, right? I thought I heard a rumor we were going to do another call Friday.

(Rosemary): That was just me making it up (Steve) (as I went on).

(Cheryl): (Rosemary) loves these calls so much she wants to have them every (single) day for this week.

(Rosemary): It's like milk with your cereal, you know. Okay everybody, have a great evening/day/afternoon. Bye.

Man: Thank you everyone.

END