

**Data and Metrics for Policy Making Working Group Meeting
TRANSCRIPTION
Tuesday 4 November 2014 at 2100 UTC**

Note: The following is the output of transcribing from an audio recording of the Policy & Implementation Drafting Team meeting on Tuesday 4 November 2014 at 2100 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at: <http://audio.icann.org/gnso/gnso-dmpm-20141104-en.mp3>

On page:<http://gnso.icann.org/calendar#nov>
(transcripts and recordings are found on the calendar page)

Attendees:

Cheryl Langdon-Orr – ALAC
Olivier Kouami – NPOC
Jonathan Zuck – IPC
Graeme Bunton – RrSG
Pam Little – RySG
Andrew Merriam – RySG
Sonigitu Ekpe – NCUC
Nenad Orlic – ISPCP
Kayode Yussuf – IPC
Janvier Ngnoulaye – Individual

Apologies:

Tony Onorato - Individual

ICANN staff:

Berry Cobb
Steve Chan
Terri Agnew

Coordinator: At this time, the call is being recorded. Thank you.

Terri Agnew: Thank you. Good morning, good afternoon, and good evening. This is the Data and Metrics for Policymaking Working Group Call on the 4th of November 2014.

On the call today, we have (Elevie Kwamie), Cheryl Langdon-Orr, Pam Little, Graeme Burton, Jonathan Zuck, (Epite Epeppe), (Andrew Merriam), and (Amanda Rullick). We have apologies from (Tony Orlando). From staff, we have Steve Chan, Berry Cobb, and myself Terri Agnew.

I would like to remind all participants to please state their name before speaking for transcription purposes. Thank you very much and back over to you, Jonathan.

Jonathan Zuck: Thanks, Terri. Is there anybody that has any changes to their statements of interests? Has anybody's company been acquired or acquired anybody's company or anything like that? All right. Great. Thank you. Welcome to the call and thanks for being on.

We're moving ahead in terms of trying to suss out, if you will, the kinds of scenarios that might result in data requests and then dig deeper into how those data requests might be processed.

I'm sorry? Did somebody say something? Okay.

On the last call, we talked a little bit about this flow chart and building this out and trying to find the different contingencies that might occur because we've got as our objective to anticipate as many of them as we can. Obviously, not all of them but as many as we can so that we would have processes in place to address the various issues that might come up whether it be budgets, confidentiality issues, etcetera, in requests for data going forward.

To that end, Berry has constructed some sample data requests for us to discuss today and to begin to look at what a data request might look like.

Hopefully, we can get some discussion going about how to improve them, how they might be phrased differently or structured differently, what kind of

information they need to address some of the goals and concerns that have been raised in the past.

And then the idea is to try to just go through the process and see how those data requests are received and what objections are raised, etcetera, so that we can try to go through the motions at least of understanding what steps we might need to go through to actually get to the data. Does anybody have any questions about that? All right.

With that, I'm going to hand it over to Berry.

Berry Cobb: Hi. Thank you, Jonathan. This is Berry Cobb for the transcript.

Before we get into just reviewing the use cases, I do want to just quickly touch base back again on this flow chart. It has been several weeks since our meeting in L.A. What I would ask for in working group members is to provide input this, kind of a one-eyed or one-sighted view about how this might work. When you take a first glance at this particular chart, it seems like a more complex area might be around budget or the financial implications of any of these requests and maybe perhaps, partly, that is true, perhaps not.

But I think a lot of the substance in terms of what the working group is trying to accomplish focuses more on the top right-hand half because a lot of these aspects do deal with some of the challenges that prior working groups have faced. Again, we are not just focused on any one particular group here.

A lot of these same principles or hurdles, I would say, apply to requests that ICANN receives, certainly, as well as third party and, of course, as well contracted parties.

I do ask working group members to take a pretty detailed view in that area of the multiple decision boxes or diamonds that we have here and see if that logic makes sense to you. This is a living process, if you will, certainly, as we

advance through our work here and, of course, as we start to dive deeper into some of these use cases about what data requests may look like, perhaps some of this logic will change. Without a doubt, we are interested in your feedback.

Graeme, I see your hand is raised?

Graeme Burton: Yes. Hi. Thanks, Berry. This is Graeme for the transcript.

In looking at this, it occurred to me and maybe this is something we ponder, I worry it is a little bit chicken-and-eggy.

This flow chart starts with the working group recognizing a need for data metrics, but to me, the process starts a little bit before that in that before something ever gets to a working group stage, there should be -- often, maybe there could be -- some requirement for data before the creation of a working group.

So there is a party within the ICANN community that thinks something is a problem that gets floated up to the GNSO and they decide that a working group should take place. It would seem to me that part of that should have at least some data requirement or encouragement there for data within that process so that, you know, I worry we get down this road as -- maybe this is paranoid -- these expeditions or working groups become sort of a weird attempt to get at data and we would want to be sure ahead of time that there is a problem that needs to be solved and that problem is material.

And so, we need to ensure, I think, even prior to the working group formation that there is a material problem that we can show exists. Thanks.

Berry Cobb: Thank you, Graeme. Absolutely, I concur. The formal stage for that is the issue report. For those who aren't familiar with the working group guidelines or actually the bylaws that discuss how a PDP is formed, there are several

inputs into how a PDP can be initiated either from a directive from the ICANN board, from SO or AC that could see if a particular issue that is sent to the GNSO council and/or the GNSO council itself approved at least the initial step of a PDP which is the issue report.

I definitely agree and we can update that first box there to make it a little bit more generic or include the issue report stage because, without a doubt, access to data and metrics can help inform the policy process as to whether there really is a problem to begin with before a PDP is even initiated. Thank you.

Andrew, I see your hand is raised?

Andrew Coombs: Yes. Sorry. It took me a second to get off mute. One of my initial kind of questions is, if there is a burden of proof to get to the V point where, basically, it stops, I'm just kind of imagining the contracted part is requesting stuff and you hit no. I don't know if that request is denied by each contracted party to the contracted party group as a whole or how you are allowed to prove that. So I guess it is a question of itself. And then a sense that it shouldn't be overly burdensome proving that you can deny their request. It shouldn't be as burdensome as, say, fulfilling their whole request itself.

Berry Cobb: Thank you, Andrew. Yes. Again, this is kind of I wouldn't call it the very first draft of this as we've made small cosmetic changes to this version but the substance has still been the same.

That particular decision component I would probably say is more of a reflection of what has happened in the past and, certainly, I think the working group should deliberate on how that is expanded and what are the criteria of a particular request and whether it is extreme burden or something along those lines.

So I would agree that that particular section of this particular flow chart could be expanded to understand what that additional criteria or perhaps maybe it leads to two or three other decision boxes within that. But, again, I think that this is more or less a reflection of the past. Jonathan?

Jonathan Zuck: Yes. Andrew, I think it is less about someone of whom data has been requested proving anything. It's not a process that is meant to be an onerous process for the data requestee. It is more like what are the issues involved and can we come up with ways to address those issues?

This is like getting to yes is the point. It is not meant to be an onerous exercise to get to yes, it is meant to be can we, as this non-PDP working group, anticipate what some of the concerns and issues are whether it has to do with resources available to clean and process the data, confidentiality concerns that would require a third party to do top-line analysis, etcetera. What those various concerns might be and how we might actually address them?

The point is not to figure out how to get to no, the point is to figure out how to get to us. Does that make sense?

Andrew Coombs: Yes. That does. I guess kind of trying to get my point, I looked on the chat, in trying to get to yes, I wouldn't make it overly burdensome to say no.

Jonathan Zuck: What would an example of that be, I guess? Can you make that concern less abstract for me, for us?

Andrew Coombs: Yes. I'm imagining a scenario in which you are requesting certain information and, basically, it would have to be built into the process so an extrapolator in saying no would have to provide some burden of proof that the no is allowed. Again, this is going to have to be baked into the actual process. I'm hoping that we don't get to that point, I guess, in spelling this out in a more concrete way.

Jonathan Zuck: Yes. Again, this isn't about a burden of getting to no. This is literally about trying to address the issues.

That's what I mean by making it more concrete. This whole flow chart is a conversation that could happen in five minutes, right? I guess that's the point is can we suss out scenarios that might occur that would make it more difficult and address them so that it is no longer difficult? That's really the point.

I don't know what the - it's not a burden of proof issue, it's literally trying to understand, yes, I think there is probably a presumption -- if the data is useful if not essential to the working group, there is a presumption that we should try to find a way to get to it. A simple no is, I think, hopefully, something that we won't get a lot of, but the point is to try and figure out how to address the legitimate concerns and actually find a way to use more data.

Again, I don't mean to put you on the spot. I guess I'm not sure what you mean by making it burdensome to say no?

Andrew Coombs: I guess, from a registry perspective, I would want to retain the right to say if this was a voluntary request for information, to simply not provide that and not provide any reason for not complying or initiate a longer conversation. Even if a conversation is the goal, it should be voluntary and needs to remain voluntary.

Jonathan Zuck: Yes. Well, we're not setting policy here. The work of this group is never going to compel data that isn't required under contract today. Right? I guess the hope is that we're trying to make it easier to share data so that we make that a policy which, in the end, hopefully, is just as useful for the contracted party as it is for the community.

Andrew Coombs: Yes, I agree with that. I'm not trying to be--

Jonathan Zuck: Let's try to, I mean, we still have to suss this out. My concern is about phrasing it that way. Starting from the idea of, well, it's just inconvenient so I don't want to deal with it, I feel like is not the right way to think about the problem. That's all. So there isn't any enforcement mechanism to make anybody give any data. The reason we're having this conversation is to make it easier to share data and make it less of an inconvenience to do so. Does that make sense?

Andrew Coombs: Yes, I agree with that.

Jonathan Zuck: Graeme? Go ahead.

Graeme Burton: This is Graeme for the transcript. I guess I'm thinking about how a request might work in the context of this conversation in that we put out, you know, there is a request from a working group.

We put it out to the registrar stakeholder group which is probably the best forum but doesn't also include all ICANN contracted registrars. There are plenty that don't belong to that specific group.

And then is everyone within that group obligated to respond in which case we're forcing everybody to say no, we're not doing that. I can't see that working very well. I think you're only going to get people would be like, okay, this is a policy I care about and I will contribute data. I think it's really hard to ask for more than that from all those various sundry registrars from a registrar perspective within the stakeholder group. Does that make sense?

Jonathan Zuck: Yes. No, it does. You've mentioned it before that some of the very small, that any requests for data might be overwhelming.

I continue to think that is something we need to figure out how to address because there's this conflict, obviously, between the principle of not overburdening anyone and not having all the requests go to the same people

or somehow being discriminatory either. And so, I think finding some recommended path for working groups.

Again, remember, all that this group can do is make recommendations for how future working groups interact with data providers -- contracted parties being one of those or contracted parties being two of those -- but the idea is just to figure out what the best is to ask. I welcome your input into what that would look like. Right? I think that's why you're here is to help find the answer to the question that you're raising. Okay?

Let's just make sure that that is one of the things that we figure out because I think a couple of questions have raised a similar issue that isn't entirely reflected yet in this flow chart which is the fact that this is, in theory, a request to an individual data provider and not to a group of data providers and what is the implication of making that request to a group of data providers as opposed to a single data provider.

Some of these are going to be a request of WIPO or request of contracting inside ICANN, etcetera, where there is one entity of whom data is being requested whereas some of these are going to be we need enough data from registrars in order to get a sense of the situation so that we can devise good policy and what is a decent sample of that and what is the best way to go about getting that?

I think that is a very legitimate issue and one that, hopefully, we can discuss as a group to figure out what the best way is to handle that going forward so that we're not unduly burdening anybody or discriminating against anybody. Okay? Berry, go ahead.

Berry Cobb: Thank you, Jonathan. This is Berry. I think with that discussion which kind of takes us into the next part of our agenda which is--

Jonathan Zuck: Segue.

Berry Cobb: Perfect segue for the use cases. Hopefully, what we will be reviewing through now and perhaps over the next couple of meetings, to determine a path. I think one way to flesh out whether this flow diagram has any stability behind it is to exercise it with particular use cases which is what we want to try to accomplish within this next exercise.

What you see before you and was sent to the list beforehand and I do apologize for the tardiness of that being delivered. I'm sure most haven't had a chance to look at it closely, but this really stems from our discussion back in L.A. after reviewing the flow chart about trying to put together some possible real and/or hypothetical use cases that we can try to flesh out some of the issues that are being discussed here now. What we've come up with so far is, basically, three use cases.

The structure here is trying to highlight the particular types of requests or the attribute of a particular request that may happen which is highlighted in column one or the gray column such as what group is actually submitting the request. To Graeme's point earlier, perhaps even, well, one particular use case in here which I believe is the second one is before we even reach the PDP stage, it is still at the staff level that is generating the issue report.

But then, of course, the simple things like when is the date of the request and even a desire out of this use case is perhaps if this becomes some sort of template that future working groups can use when they do recognize a need for data because I think this would probably be a good documentation tool because, likely, anything that goes outside of the working group's ability to acquire data will likely involve the GNSO council to process this kind of request.

Moving along, we have basically what is the policy or issue that is being explored? What are you trying to solve? What are some of the high level reporting requirements? Who is responsible team? For instance, if it's a

request to ICANN would it go to compliance or GBD or something along those lines? Conversely, the data source which also applies to if it's internal to ICANN or some external source that might have ownership to that particular data.

And then the bottom three rows are more intended which we will talk about in the future but what would be the expected deliver date or a date by which the working group would need that particular data so that they can continue their deliberations? Any kind of resource estimations which would likely be filled out by staff and/or the council depending on that type of request. And then lastly if there are any budget considerations.

In short, there were three use cases that we've come up so far. We are open to other ideas for types of use cases as well but I think the three that we've highlighted here touch at least the three avenues that we have highlighted in the flow chart -- whether it is a request internal to ICANN, whether it is a third party request, or whether it might be a request to contracted parties.

These three use cases, I think, pretty much cover those three avenues.

I'll just talk about these at a high level first and then we can jump down into the details.

The first one is around the UDRP and URS review which is likely going to be a real request. For those who aren't aware, the GSNO council did pass I think about a year ago to do a complete review -- the Curative Rights Protection Mechanisms of the UDRP and URS.

At the time, there was momentum to just do the UDRP but with the new gTLD program and the implementation of the URS as another curative mechanism, the council eventually agreed that they should wait 18 months post first delegation and combine the reviews altogether.

Approximately April of next year, I think staff will be assigned to -- I think there was a small issue report created for that -- but to generate a whole new issue report on the state of these curative mechanisms as well as any other issues that may pop up into that issue report which, of course, may eventually lead to a future PDP if there are any changes that are determined that the community may want to look at to improve or enhance those current policies.

The secondary request is also a real world kind of potential. Again, this is flowing out of the IRTPD working group.

Basically, these are recommendations that the group had agreed upon and just recently, in L.A., the GSNO council unanimously adopted all 18 recommendations.

Currently, there is a public comment out about these recommendations to help inform the ICANN board's deliberations before they consider approving their recommendations from the GNSO after which, if they do, then ICANN staff will be assigned to implement these IRTP recommendations. That is kind of the general high level for that particular use case.

And then, thirdly, which is probably at least hypothetical at this stage but we wanted to make sure to maybe possibly cover other registries as well, but there is active work about the next round or subsequent round of new gTLDs. Potentially, there could be data specific to registries and not just registrars that may help inform working group deliberations.

As you can see, this one is pretty thin right now so we would also welcome any feedback to help enhance these use cases that possible data or metrics that might be required. Perhaps we need to flesh out what the issue is that is being explored or the issue to be solved. In general, that is the approach, again. We will send out a follow-up email out to the list to ask if there are any other types of use cases that may help inform our own deliberations as we run through these.

With that said, I think just as an example, I will dive a little bit deeper into the first use case about the UDRP and URS review. It does kind of touch on the three pads that have been outlined in the flow chart. And then we will open up for questions and then try to carry on discussions from there.

I did briefly touch on the policy or issue being explored. Again, this is a possible PDP that may come up. To Graeme's point earlier, I think it will be important that the staff have access to particular data and metrics to better inform the issue report for the GNSO council to consider whether a PDP will be formed or not on this.

In a nutshell, I did help author this first draft. I'm not the world's expert when it comes to UDRP or URS but at least trying to think about it from an initial basis, I think it would be important to try to understand what are the industry level or macro level statistics on the state of the industry as it comes to or in regards to the complaints that are being filed through URDP.

Something that staff should probably take a look at first is to acquire the total amount of complaints from all the different UDRP and URS providers, understand some of the details of was the complain in favor of the complainant or was it in favor of the respondent? What are the outcomes? What are some of the other types of characteristics of complaints that were filed? Were they withdrawn? Were some closed down because there was a court case filed that trumped the UDRP or URS filing?

There has been a lot of talk recently about certain organizations being found who have reversed domain name hijacking which would be a potential issue that a future working group would want to maybe take a look at.

Another possible component that would probably help inform the issue report is what has ICANN contractual compliance seen from a UDRP perspective from at least a complaint intact perspective?

There are certainly different types of accuracy complaints that are often tied to issues with cybersquatting as well as complaints where particular names weren't transferred even though a UDRP outcome had stated as such. There may be a few other categories that I'm not exactly familiar with but the idea would be to engage contractual compliance and basically give us everything UDRP/URS related.

And then the third type of possibility might be to reach out to other industry sources such as INTA or other trademark or intellectual property organizations that may have data relative to better inform the issue report as it relates to infringements of those rights. Again, that was kind of a high level in terms of any report requirements.

The next section is really just a derivative of the prior as to just who is the team or possible source of particular data, expected delivery date, resource estimation. This is important for us to discuss here but may be useful if this were to ever be used by a future working group.

And then, lastly, from budget considerations, at least in terms of this draft, it doesn't seem that there would be any true green dollar type of need for these requests. As many of the UDRP providers have imports coming in terms of data that they've collected in regards to the complaints that they've monitored and executed against as well as any requests that the GNSO has asked from contractual compliance for other teams. Obviously, that shouldn't involve green dollars.

In short, this particular use case touches a little bit of all three. I forgot to point out but I did mention in terms of the responsible teams or data, perhaps is there data that might be useful from a registrar/registry perspective based on what they see from the UDRP complaint perspective and/or are there complaint types of data that may help inform that as well as.

Again, that is kind of hard to point out at this time because we are looking in the future, but I think as we evolve this use case we may be able to flesh out whether some of that is needed or not.

With that, I really won't go into the details of the second or third use cases other than to just close this out by saying I do ask that working group members take a closer look at this.

We welcome suggestions to help enhance the use case. As we evolve these, we can start to look at next steps and then try to talk about how this particular use case would traverse the flow that we have talked about and try to flesh out what hurdles or issues that may arise based on this type of request as we go through the different use cases.

I'll stop there and turn it back to you, Jonathan.

Jonathan Zuck: Thanks, Berry. Are there questions that people have about the idea here? Graeme, to put you back on the spot, we talked about this in L.A.

This is uncharted territory, this kind of kabuki policy development but I wonder if this is a mechanism by which we could trot this out in front of the stakeholder group and try to get reactions as if it were coming for real and try to figure out what we did right and did wrong, what would you do differently, etcetera, both in terms of the content of the request and figure out what the best way is to make these requests so that we address the very issues that you're raising. Does that make sense? Yes, sir?

Graeme Burton: Yes. This is Graeme for the transcript. It certainly is worth a shot. There is a lot of colorful characters within the registrar stakeholder group. We talked a little bit about this particular--

Jonathan Zuck: Because you're boring, right?

Graeme Burton: Yes. I'm super boring in comparison to some. We talked a little bit about this working group in our registrar stakeholder day and I think we talked a bit about this before here. There are a lot of other things going on and people tend not to pay attention but I think putting something in front of them and saying "How do you respond to that?" might be us some valuable feedback. We may not like it but I think it's a better shot of getting it. I did push as hard as I could to get some more registrar involvement but that seems not to be working very well at the moment.

Jonathan Zuck: All right. Well, I mean, obviously, work group involvement is a very amorphous demand on people's time, and so, maybe this particular request, the scenario that applies to you guys is a more transactional request that you might have more luck with, obviously, because it's about doing this better and making it less of a challenge and a burden when the real time comes. Berry? Go ahead.

Berry Cobb: Thank you, Jonathan. This is Berry. I agree with the approach especially, to what Graeme stated, that at least getting something in front of them is something more tangible from working group to hold a conversation, so to speak. I would support that approach.

What I do hope that we do before we get to that stage is that we really mature these use cases and put in more definitive requirements of what we might think that particular use case may ask. Some of these are a little bit pie in the sky at least in terms of what we have documented here. Maybe we find the best of breed out of the three and just deliver one.

For instance, I kind of think the IRTPD is much more tangible at this stage than what we just worked here with the UDRP/URS.

Jonathan Zuck: It's a different data holder though, too, right?

Berry Cobb: Well, it is certainly different data sources, I think, minus the UDRP providers, the parties are still pretty much the same. Again, my point here is I think it will help to try to make some of this request as real work as possible as opposed to being a little bit more speculative or general based because that will help put, I think, some teeth around the type of data that is being asked for. To just say, well, yes, we'd like to see complaints from your registrar intake system, that's not going to go very far versus we're specifically looking at complaints related to transfers and how many failed or something along those lines. That is just what my ask would be.

Jonathan Zuck: What is the best process by which we mature these documents as you say? Is it to share them with the group and try to writer to turn this into kind of a homework assignment to react to things? Is there a way to get a conversation going here going through the thing part by part? We've done some of that at the front end of this working group and that feels like a mechanism that has led to more passivity in some respects, so I wonder if we can find a way? Should we try to come up with little subcommittees of people who deal with each of these and try to make them more mature? I'm sorry, who spoke up?

Man: (Unintelligible)

Jonathan Zuck: Oh, yes. Hello. Go ahead.

Man: Thank you.

Jonathan Zuck: What did he say?

Man: I'm on line. I was off before. Thank you.

Jonathan Zuck: How do folks feel about dividing up into smaller groups to look at these individual data requests and trying to reform them and suss out how to make them closer to what the reality might be before we let them go public and try

to get people to react to them in a more general way? Does that seem like a reasonable approach?

Man: (Unintelligible)

Jonathan Zuck: Yes. I guess that would be the point is that these groups could do this via email or they could do their own call, but I think it could be done via email. I'm sorry? Can you speak up? Okay. There are three of them here. Can I get some volunteers to be in the group to suss out the first one? Or, Berry, do you want to give a non-detailed overview of the other two so that people know what the three of them are? Because they probably didn't get a chance to read them today. And then they can know what it is they're signing up for to talk about in their little subcommittee. Berry?

Berry Cobb: This is Berry. We have so few participants, I was just going to suggest that, after this call, we send this out to the list. We keep these in redline form. We welcome input from anybody in on the working group to help flesh these out further. Between Steve and I we can compile any edits or changes into a master document and send out revisions on a regular basis. I think in terms of the second one, the IRTPD type of request, that is more detailed because I do have a tangible final report to pull these from to help inform their request. And then in terms of the third one, that was really much more hypothetical. I'm not even sure if it's worthy of continuing down to try to flesh that one out or maybe come up with a different example. But, again, we'd really welcome input on other ideas.

Cheryl Langdon-Orr: Jonathan?

Jonathan Zuck: Oh, go ahead, Cheryl?

Cheryl Langdon-Orr: Thanks. Cheryl for the record. I'm thinking to list that absolutely. I'm fairly keen to maybe focus down on one. I like the best of breed concept that Berry put up for to consider. His suggestion of the ITP-B makes a lot of sense to

me. That doesn't mean we shelve the others and don't come back to them but work on a best of breed and then, if we need more, we do have more. But I don't think going to hypotheticals is going to help clarity when we take it out to the world and we really need to get this stuff out to the world fairly soon.

Jonathan Zuck: Does everybody agree that that's the best one to work from then? I don't know. It's a difficult thing to have everybody vote on something like that but we can certainly proceed along that way.

I'm partly, I think, interested in coming up with some data requests that don't necessarily involve contracted parties just because we have to suss out some things internal to ICANN, too. Like, how would our budget be requested and allocated for a third party data provider and things like that? And so, I think there is more than just contracted parties that are part of this conversation. But, certainly, the IRTP is the most real and more imminent, and so, we could certainly try to start with that one.

I guess I'm inclined to not just put it out to the whole group because of the bystander effect but we could give that a try. I think you all have these. You got them from Steve this afternoon. We can try to get comments back to Steve and Berry over the coming weeks.

Berry Cobb: Jonathan, this is Berry. Just to add to the other component to IRTPD is that it covers all parties potentially. It covers ICANN registries, for example, but granted this is publicly available data. I apologize that I didn't maybe take this one to review through earlier but it also involves contractual compliance and their complaint intake system.

Based on some of the content that was posted in the final report, it contains information from registrars in relation to transfers and even failures.

Based on some of the possible gotchas that we've identified, this allows us to flesh out some of those issues.

If, for example, this data does need to be aggregated or kept confidential, we could assume that what has been raised by others in the past about engaging a third party that is external to ICANN to collect that data from contracted parties and massage it in a way that it can't reveal any particular competitive advantage or any particular company.

What I would say from a budget consideration which I tried to allude to in the chat a little bit earlier, budget considerations in and of themselves, I mean, there is an informal process by which a working group could request funds to collect particular data right now.

The only path is through the GNSO council and, if it's approved by the council, then they would send the request over to ICANN. I don't have an understanding of the timeframe or amounts or anything like that other than to say that this is a conversation we're trying to have with staff internally.

But I think in terms of the purposes of this use case and exercise, as I highlighted in the comment here, let's just assume for sake of argument now that there is money available.

Let's not worry about whether it is there or not or how we're going to get it or even how much it may be, but let's just assume that it's there so that if, in fact, registrars were interested in gauging that third party to aggregate the data, what would that request look like to them? As we try to flesh all that out, is that something that would potentially maybe have to follow RFP guidelines set by ICANN if they were the ones to be the payer for it.

Those kinds of components, again, we can try to flesh out later in working group deliberations. Let's just assume that the funds are there so that we can move this one forward.

Jonathan Zuck: Thank you. Okay. Then I'll phrase it another way.

Does anybody have any objection to choosing this scenario and trying to flesh out this data request over the coming weeks via email and getting comments back to Steve and Berry and having a conversation on the list about how to make this better and more realistic so that we can try to put it out on the while, as Cheryl said? Okay. So then, I guess we're going to do that.

The next thing on the process is to look at what next steps are?

I think the next step will be after we go through this of actually trying to put it in front of people and figure out what kinds of documents we need to generate, templates, etcetera, that we need to generate in the future from that experience? When do you guys want to try to meet again? Steve, you have your hand up?

Steve Sheng: This is Steve for the transcript. Thanks, Jonathan. I just had a quick comment about when this document is shared with the wild.

I think it might be useful to actually just take a step back. I think what we're trying to do is remove barriers for parties wanting to say no to a data request.

Towards that goal, I think it might be useful to work on kind of an executive summary or perhaps like a cover letter that rides with this document that sits on top and says this is why a data driven process is important to working on issues that are effecting parties in a materially way, you make better policy. And then after the policy is actually implemented, then we want to make sure that these policies are actually working.

So I think it might be useful perhaps to have a cover letter to this before we take it to the wild.

Jonathan Zuck: Yes. I think that's a very good idea. As part of people's comments, let's think about what might go into a cover letter and we will draft something like that as well. I think that's a good idea.

Steve Sheng: This is Steve. I think Berry and I can probably take a stab at an initial draft of that.

Jonathan Zuck: Okay.

Steve Sheng: Thanks.

Jonathan Zuck: Any other questions about what we're doing? Suggestions? Comments? Objections? Okay. Do you guys want to try to meet again in a week or is that too soon?

Berry Cobb: Jonathan, this is Berry. I think we are scheduled two weeks from now for the regular schedule.

And just to point out that Steve also did send out a copy of the project plan and it does it the dates of expected meetings through the end of the year and carrying over into the first couple of weeks into next year. Something that the working group may want to start thinking about, it will be February before we know it which is the ICANN 52 meeting that will be in Singapore.

I'm not sure what the working group intends in terms of delivery but if we want to target that timeframe to try to have an initial report, that is something that we should probably start to work towards. I'm not saying that our deliverables are dictated by ICANN meetings, in fact, sometimes they collide, but just so that everybody is aware.

Take a closer look at the project plan and you will see the dates of when we plan to meet and it also extends out when we might try to deliver on an initial report in the public comment period.

Jonathan Zuck: All right. Well, unless there is anything else, I think that's it for today. Thanks everyone. Enjoy your two free minutes.

Cheryl Langdon-Orr: Thanks, everybody. Bye.

Jonathan Zuck: Bye-bye.

END