

GNSO
Domain Tasting ad hoc group teleconference
September 19, 2007 at 15:00 UTC

Note: The following is the output of transcribing from an audio recording of the Domain Tasting Ad hoc teleconference on 19 September 2007. 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/dnt-20070919.mp3>

<http://gnso.icann.org/calendar/#sep>

Attendees:

Mike Rodenbaugh - group co-coordinator CBUC (Council)

Margie Milam - Registrar constituency

Jothan Frakes - Registrar constituency

Jeff Neuman - gTLD Registry constituency

Kristina Rosette - IPC (Council)

Greg Ruth - ISPCP (Council)

Absent apologies:

Sophia Bekele - Nominating Committee appointee to GNSO Council

ICANN Staff:

Olof Nordling - Manager, Policy Development Coordination

Patrick Jones - Registry Liaison Manager

Nick Ashton-Hart - Director for At-Large

Glen de Saint Géry - GNSO Secretariat

Coordinator: Thank you. Sir the recording has now been begun.

Mike Rodenbaugh: Okay. Thank you. Good morning everybody. Glen, would you please do a roll?

Coordinator: Yes certainly. We've got Margie Milam, Registrar Constituency.

Mike Rodenbaugh, Business Constituency.

(Jeff Neuman), Registry Constituency

From staff we have Olof Nordling and Patrick Jones.

We have Kristina Rosette from the IPC.

Greg Ruth, ISP.

(Nick Ashton-Hart, staff and (Jothan Frakes), Registrar Constituency.

Man: Great. So if I'm not mistaken, we have somebody from all the constituencies except Danny from NCUC?

Coordinator: That's correct.

Mike Rodenbaugh: Okay. All right. I was really intending to basically go through the action items from last week and see where we're at and get an update from Olof on the stats that has come through.

And then talk through the straw man report; see if anybody on the call has had a chance to review that and has any comments on it before I start doing some drafting later this week. Does anybody have any other items that they would like to discuss today?

Okay. Then looking back at Olof's message from the call last time - actually I should also say that I'm updating my statement of interest. I

have left full time employment at Yahoo as of last Friday and am working on a relationship with them that looks right.

But in any event my company Rodenbaugh LLC is now in the business constituency and I am representing myself.

Coordinator: Excuse me Mike. Would you please also send that to the list?

(Mac): Yes.

((Crosstalk))

Coordinator: Bring it to the council. Thank you.

Mike Rodenbaugh: I'm working on the text of that right now and I hope to have it done by tomorrow's council meeting.

Coordinator: Thanks.

(Mac): Okay. So Olof, the first action item from last time coincidentally was the RFI results. We've now closed the big pulse poll. Is that correct?

Olof Nordling: That's correct and we've got a total of - a gross total of 195 responses to that one. Not all responding to each question, but that's the overall total. And we've got a considerable number of text comments as we realized during the last call. And well this - so we got massive input from that side.

On the ICANN email responses, we have had 23. Actually a couple are coming in because well, it wasn't closed after the 15. And the last one was received yesterday.

But eight of those actually follow the RFI structure. So what I intend to do is to try to get them (unintelligible) so to speak, into the big pulse. I hope that's possible. And so we have all the straight RFI responses gathered there and summarized from that perspective.

The remaining ones are shorter and lengthier comments. Some, I would say, rather interesting. And featuring subjects which are perhaps not far from we intended to do. And so those will have to be - well, I'll summarize those and they will be somewhere in the report under the RFI results.

Mike Rodenbaugh: Okay.

((Crosstalk))

Olof Nordling: That's what I intend to do with the results is largely as follows. To give highlights of the statisticals, the quantitative results that is the voting positions (unintelligible). Of course, we have the overviews, which will be part of the annex. And also to, when it comes to the qualitative comments, to take those and bring out well, the addition, the novelties, which we have sort of seen so far.

And try to focus on those and give short highlights of those in the report itself. And then have the bulk of it, which is pretty lengthy, as an annex because there is no way those can be reached by directly by anybody.

In contrast to the email responses to the ICANN list which all are possible for anybody to read and we can actually link to that.

Mike Rodenbaugh: Okay.

Olof Nordling: I do have a little bit of a problem with one of the questions and I want to share that with you immediately, because one of the questions asked for identifying those who could assist and would be good at helping out with the main (tasting) questions.

And well those responses we've received on the public email list at the Web site and that's not a problem because they're all in the public domain and well, but the big pulse comments are not in the public domain unless we make it in the public domain and then we enter into a little bit of, I don't know, minefield, but I would need some advice on what to do with those.

Whether we can actually capture all individual names like that in a report, which have been listed by the respondents to the big pulse, or whether we should redact that or leave it outside the official and public report.

Mike Rodenbaugh: Okay.

Olof Nordling: I'm a bit at loss at that I must say. But I'm inclined to not spread individual data too widely...

Mike Rodenbaugh: Right.

Olof Nordling: ... including email addresses and all what have you.

Woman: Well...

Mike Rodenbaugh: I definitely agree with that. The issue there is whether we would still just put up the names but redact the email addresses, phone numbers and that sort of thing.

Olof Nordling: Possibly.

Kristina Rosette: Olof, it's Kristina. If I'm understand - am I understanding that the problem is is that respondents have identified other individuals or organizations as having expertise?

Olof Nordling: That's precisely it.

Kristina Rosette: Well, couldn't we just contact the identified individuals and organizations and say that, you know, you were identified as someone with expertise in a response to this. You know, the responses were received on an anonymous basis so please let us know if we have your permission to identify you. And if they say no, then that's the end of it. And if they say yes...

Olof Nordling: All right.

((Crosstalk))

Mike Rodenbaugh: Well how many different folks are there?

Kristina Rosette: I mean, does that seem like an easier way to do it?

Olof Nordling: That's probably, well, a reasonable way to it, a bit like following up on the EDRP provider's dialog that you've had and well, applying the same method. Or rather saying that as long as they don't give explicit permission, well, we won't include it.

Mike Rodenbaugh: And the responses themselves don't have any identifying information from the respondents. Correct?

Olof Nordling: Some do. I think you...

((Crosstalk))

Olof Nordling: Well the association which you're involved in, what is it, (Candia) or something identifies itself in the comment for example.

Mike Rodenbaugh: Got you. Well that's all right. If people do that themselves in the comments, I mean, they obviously expect those to be public I think. I guess I remember doing the poll. It asked for your organization and for your name up front. That information is not going to be public. Is that right?

Olof Nordling: No. That's not public or rather it's not part of the...

Mike Rodenbaugh: Right.

Olof Nordling: It can be dug out by us.

Mike Rodenbaugh: Yeah.

Olof Nordling: But it's not in the public results. And actually the public - publicly available results are the results - the quantitative results of the poll itself...

Mike Rodenbaugh: Right.

Olof Nordling: ...as you may have seen.

Mike Rodenbaugh: Yes. And then there's all the text responses that you're going to summarize.

Olof Nordling: Yeah.

Mike Rodenbaugh: Okay. All right, so back to the issue about the folks that have been identified as potential sources of information. How many of those approximately do you think there are and do you think that's reasonable to call them as Kristina suggests?

Olof Nordling: Well, there were some, let's say between 20 and 40.

Mike Rodenbaugh: Okay. And you're comfortable with the task of emailing all those people individually.

Olof Nordling: Oh, but we'll have a go at it.

Kristina Rosette: Why couldn't you just, I mean, do one email, write it to yourself and bcc everybody who's named and then you'd just have to send it once?

Mike Rodenbaugh: Great.

Olof Nordling: Yeah. Right exactly to the extent that they (unintelligible) you with email addresses.

Kristina Rosette: Right. Right.

Olof Nordling: It's well, there are all sorts of responses.

Mike Rodenbaugh: Okay. So that will take care of that issue and then when Olof do you think you'll be able to have the summary results document around to the group?

Olof Nordling: Well, even if it's not in it's full and complete state, I intend to see to it that you have it on Monday as promised.

Mike Rodenbaugh: Okay. That's okay. I was just, I mean, obviously you need a little bit of time. It's quite a bit of data. I was hoping you'd have a draft report circulated before the next call. I'm not sure if we're going to be able to do that if we don't have that information till Monday.

But we can at least for the draft report, absolutely, never mind. If we can do it, it will just be - we'll just have a placeholder with whatever you have at the time.

Olof Nordling: I can provide a not so ready report right now, but it's sort of in the middle of trying to summarize it. So...

Mike Rodenbaugh: Well I don't think that's going to help anybody. Might was well just finish that up. And then we'll just share it with everybody early next week as part of the draft report.

Olof Nordling: I've got a question for Patrick while we're on the call by the way. Are you on the call Patrick?

Patrick Jones: I'm on the call.

Man: Hello.

Mike Rodenbaugh: He is.

Olof Nordling: Patrick you've seen the annex with the (council call top level) domain results just assembled by me and if you could speak to that deadline also for any further editing of that part which you promised once upon a time.

Patrick Jones: I think I was supposed to send you a summary of the (CCC Chelsey) responses.

Olof Nordling: Okay.

Patrick Jones: And with that...

((Crosstalk))

Olof Nordling: And then we have as it goes right now in the annex.

Patrick Jones: Yeah. And you'll either get that late today so it would be too late for your time or in the morning first thing when you come in.

Mike Rodenbaugh: All right. Any other comments or questions about the RFI responses at this point? Okay. Kristina maybe you could give a brief update on what's going on with the IPC's (unintelligible).

Kristina Rosette: Sure. As of right before the call, we had 71 responses. Responses are still coming in. But for the entire business week there have been significant technical problems in terms - ranging from things like 24-hour delays to get the confirmation email so that somebody can participate to people getting kicked out of the poll after they hit submit.

I'm assuming - the guys from big pulse have been extraordinarily responsive but it's frankly really been a pretty time consuming endeavor because, you know, I'm getting contacted and pouring them onto the big pulse guys who then say it's fixed. And then I go back to the respondent and blah, blah, blah.

At this point, I think it's probably likely that the IPC will want to extend, you know, maybe just to the end of the day on - Friday's the 21 - just to give people who've tried and had no success getting into the poll to participate. And that's where that stands.

I haven't - we started some validation but again, you know, we're not going to validate everybody's answers. We'll just kind of randomly pick, you know, probably like every fifth one or fourth one, depending upon how many we ultimately end up with.

And I'll probably be touching base with you and (Kieran) offline later to make sure that I understand how to do everything and then, you know, I can work with - I was hoping to work with (Kieran) and (Nick) in terms

of getting that data in a format. You know, generating a report in a way that it would be helpful for everyone.

And I guess that's something that we need to talk about is whether, you know, the ad-hoc group would be willing to just accept the data if I present it. Or how - would it be an annex to the report? Do I need to, you know, submit it separately to the council? Just kind of what is believed to be most effective there?

Mike Rodenbaugh: Okay. I would intend to include an overview of it in the document and then annex with all the results. Much like the overall RFI.

Kristina Rosette: All right. All right. The one thing that I have noticed is that at least to the extent that I've been able to pull them up, there aren't the same issues with the comments that there are with the general one in the sense that, you know, there hasn't been identifying information in the comments.

I mean, I can - because I know who's responded and so on and so forth, I can kind of guess who said what, but, you know, it's not as if I need to contact people and say okay, can we use your name and that type of thing.

Mike Rodenbaugh: Right.

Kristina Rosette: So I think it'll really just be a matter of, you know, some quick validation and then probably just doing a quick overview of it.

Mike Rodenbaugh: Okay. Do you think that that can essentially be done by Monday close of business or is that just too fast?

Kristina Rosette: I just honestly I think it's unlikely particularly if, you know, I'm going to hope to start validating tomorrow. But, you know, I have reason to believe that we're going to have a significant surge in responses in the next couple days. So, you know, I can certainly try, but I can't promise.

Mike Rodenbaugh: Okay. That's all we can ask. Right? Otherwise, we'll just continue - we'll just have a placeholder for it and maybe at least you could just start a draft of the overview paragraph or so...

Kristina Rosette: Sure.

Mike Rodenbaugh: ...or two?

Kristina Rosette: Sure.

Mike Rodenbaugh: And just so we can get that into the report for discussion as of next week.

((Crosstalk))

Olof Nordling: There's a placeholder for it in the straw man report by the way.

Kristina Rosette: All right.

Mike Rodenbaugh: We've got just two more weeks until our report is due to the council so. All right. Any other questions for Kristina or otherwise the IPC's RFI?

Okay. Moving through the action items from last week. Danny Younger is not on the call. I know we haven't heard from (Paul Shivera) yet or still about the zone file information. So we're basically just waiting for Danny to put together a brief paragraph or so of what he was intending to do with that data had it been provided.

On the request for additional registry data from VeriSign, we have no further word since last week. Essentially they were hoping to get us a response by today, but it has not come.

Kristina back at you on the UDRP providers.

Kristina Rosette: Sure.

Mike Rodenbaugh: Is there anything we need to talk about on that today?

Kristina Rosette: Just to update - well I posted last night that I was reaching out to everyone. We've gotten permission from ADN DRC to make their response public. I've heard back from both (Lipo) and (NAF). And as hoped, they said no we don't have any questions but by the way, we're still working on it so we'll need a little bit more time.

So I anticipate that we'll have those back probably this time next week.

Mike Rodenbaugh: Great. All right. Essentially for that we're not really - I guess we would like to summarize and give a brief overview of the responses we get, but otherwise we're just going to annex the responses.

Kristina Rosette: Yeah. Assuming that, you know, everyone signs off on making them public.

Mike Rodenbaugh: Right.

Kristina Rosette: And frankly I had been of the view that I'd rather make sure at least for now that we get something back before I start pushing to make it public. So I haven't really broached that issue with the two providers that we haven't gotten results back from.

I mean, if the view of the group is that I should go ahead and do that now, I'm happy to do that. I was just trying to hope - I was hoping to maximize our return frankly.

Mike Rodenbaugh: All right. Doesn't make sense to me. So hopefully we'll get some information and do some quick follow up about making it public. But, they have a little bit of time on that still. All right. Thanks Kristina.

Let's see, I'll skip number six from last week for now. We can talk about that next, but (Jonathan), anything further on the registrars legitimate uses?

(Jonathan): On the straw man polls, I think I'll submit the responses that I got to the list just so they're considered. But I got an email out to the registrar constituency encouraging people to, you know, submit the RFI and if there was a question that they could enter information about the uses of AGP...

Mike Rodenbaugh: All right.

(Jonathan): ...so that could indicate if it would, you know, if there would be a breakage, an unforeseen consequence of removing the AGP

altogether as opposed to maybe some of the other cost structure disincentives to (tasting). But that's the update.

Mike Rodenbaugh: Okay. So essentially you might have something to put into the report separate, but for the most part, this issue is going to be dealt with by RFI responses.

(Jonathan): It should be. I would be grateful if you could just leave a placeholder where - I think there's going to be two or three different ways people use the AGP. I don't know how we'll do it for the proprietary uses that are not (tasting) related.

However, it may just be that we state that there are proprietary uses that would be business impact. But if you would be so kind as to leave a placeholder within this...

Mike Rodenbaugh: It's here now already.

(Jonathan): Okay.

Mike Rodenbaugh: It's () three.

Kristina Rosette: Can I just ask for some clarification about that (Jonathan)?

(Jonathan): Sure

Kristina Rosette: Would it be possible to get some detail simply because I am a little bit - I'm uneasy with the idea of having information in the report that basically says, you know, a number of registrars reported that they use

the AGP for proprietary business reasons but they're not going to tell us what or why.

(Jonathan): Well what they would do is say that they're unrelated to the current tasting initiative.

Kristina Rosette: Okay.

(Jonathan): It maybe the best we can get unfortunately but, you know, what they'll be putting in is things like, you know, they'll vet what they can where...

Kristina Rosette: Sure.

(Jonathan): ...it's monitoring...

Kristina Rosette: Sure.

(Jonathan): ...or something that's, you know, affects the ongoing security and stability of the provisioning system so that they can service registrants. But, you know, there may be some business thesis that they're doing that are unrelated to (tastings) that they're just not will to share, but would say that this would impact their business. I'll try to find a way. I'm willing to vet that with you off list.

Kristina Rosette: Yeah, I mean, I guess I would just encourage that to the extent that we can get, you know, the greatest degree of not candor, but specificity, while still trying to preserve the proprietary business aspect of it. I mean, in other words, I don't know if there's a way to kind of describe generally what they're doing as opposed to just saying proprietary businesspersons. Yeah. I just - I think that...

(Jonathan): I understand.

Kristina Rosette: That might be viewed as skepticism and that - I would hate for that input that you've gone to the trouble to collect to be kind of called into question because it's so vague.

(Jonathan): I think that's the point I made so many times to you...

Kristina Rosette: Right.

(Jonathan): ...that I completely understand it. So of course and, you know, if it's completely subjective, anything is completely subjective completely belongs off this paper. So if it's possible to clarify it, you know, without it disclosing the proprietary nature of it...

Kristina Rosette: Right.

(Jonathan): ...but explain to some degree how it connects to AGP then I will do that.

Kristina Rosette: Right. And just to give you an example, you know, I mean in the trademark context in the U.S. when you seek an extension of time to use a mark you have to provide a reason as to why. And something as vague, you know, something like product research and development, that tends to be a little bit too vague, but something just slightly more specific is perfectly acceptable.

(Jonathan): Such as?

Kristina Rosette: So to the extent that you could, you know, kind of...

(Jonathan): Well okay. It completely makes sense. Completely makes sense.

Mike Rodenbaugh: Yep. I think Kristina we'll just have to take what we get from them...

((Crosstalk))

Kristina Rosette: Oh yeah. No. No. Absolutely. Absolutely. Absolutely. Yeah, I know.
Absolutely.

((Crosstalk))

(Jonathan): And I don't...

Kristina Rosette: And I realize that there's a certain point at which you give so much
description that it's no longer proprietary business operations.

((Crosstalk))

(Jonathan): Well you run into a situation - you run into a situation like, you know,
for example, I think Microsoft recently submitted a patent application
for some sort of an algorithm they were using and it pretty much the
patent application became public record and then it gave out a lot of
the trade secrets that they were going to be using. So that's the
concern on behalf of ...

Kristina Rosette: Oh yeah. No. No. No, I certainly - I certainly understand that.

Mike Rodenbaugh: Okay.

(Jonathan): The margins are so low for some of the registrars that any competitive advantage they have is, you know, considered a sort of a business secret. But that said, you know, it should stand to (unintelligible). What happens though in the registrar world is registrar A comes up with a good idea and then registrars, you know, B through triple Z will clone it before patents or things could be filed.

Kristina Rosette: Right.

(Jonathan): So that's the concern.

Kristina Rosette: Yeah. Understood.

Mike Rodenbaugh: All right. I just didn't want anybody to divulge proprietary information but we are going to need some level of detail in order for it to have any real impact. So (Jonathan) I'm going to leave it up to you to come up with the first draft of Section 4.3 on this. Okay.

(Jonathan): I will take that. Thank you.

Mike Rodenbaugh: All right. And by Monday or Tuesday morning latest if that's okay.

(Jonathan): Now will that be irrespective of whatever came in in the RFI?

Mike Rodenbaugh: Yeah for now because you're not going to have that information yet, so...

(Jonathan): Well would whatever pieces come in from the RFI - would it be possible to get answers to those questions like what (Nick) and Olof

were provided. Because I think that might actually help me put some structure into that section.

((Crosstalk))

Olof Nordling: Well to the extent that we see something that we will try to keep that in mind. I mean it's pretty much a sea of comments we're swimming through. So right, I mean, first of all well those, I think, (Orv) has submitted comments but none of that nature on the - by email so that's accessible through the ICANN Web site.

I can think of that's readily accessible but you can check out (Corr's) response perhaps on the ICANN Web site.

(Jonathan): Okay.

Mike Rodenbaugh: Okay. I mean (Jonathan), obviously once we get the summary of the data and the actual results, statistical results from the data, you know, you're going to have a chance to amend the text accordingly in the report.

I just wanted, you know, basically to get you to start working on the text...

(Jonathan): Okay.

Mike Rodenbaugh: ...for that section.

(Jonathan): I will take that on with the registrars.

Mike Rodenbaugh: Has anybody - I guess we're now talking about the straw man report. Has anybody had a chance to look at it and have anything they want to discuss about this generally right now? Otherwise I would like to spend a few minutes on the terms of reference issue again specifically. Does anybody have any other questions about any of the other sections of this report?

Okay. I think I've got a pretty good handle on it and what's it going to look like as of early next week. So the one issue we should talk about now is the terms of reference issue.

We started talking about it last week and I think we are going to go back to our constituencies and try to take the temperature and figure out where people are on that issue.

Basically whether we should do draft terms of reference and if so what they should look like. Does anybody want to draft any comments on that right now?

Okay. Beautiful. Then I guess that will go along with the rest. I'll draft something up as a first draft for everybody to chew on and we can discuss on the next call.

But essentially, you know, I'm thinking that we should provide draft terms of reference. Of course they may or may not be accepted by the council; they could be modified by the council.

But I think it was part of our charter for this group, for lack of a better word, to consider drafting them and to actually draft them if the group

agreed. I'm not hearing any strong opposition to including a draft so I'll work towards that.

Further research is another issue and possible next step that we've put in as a placeholder in the report. I'm wondering if anybody has any thoughts specifically on that at this point, again without seeing the draft report and all the RFI responses.

But if anybody is thinking of anything in particular that should go on after this group ends in a couple of weeks.

All right. Again, nothing. So I think the one area I thought of there is of course the zone file information and the registry information that we've tried to get and have not been able to get.

I think that there should be further studies of that information. So I'll draft up a couple brief paragraphs or sentences on that and send it around with the rest of the draft.

All right everybody. Does anybody have any other issues they wanted to discuss today? Otherwise I don't want to talk anymore and we'll close the call.

All right. Well thank you everybody for the time. Obviously the next couple of weeks are going to be a little bit bigger on the time slots for everybody because we're going to be meeting to digest quite a bit of information and turn a rough draft report into a final report over the next couple weeks.

So, thanks in advance for the help on that. And I will aim to get everybody a draft around by Monday latest.

Man: Okay.

((Crosstalk))

Woman: Thank you.

Man: All right. Thanks everybody.

Woman: Thanks.

Woman: Bye.

(Jonathan): Thank you.

END