

ICCANN

**Moderator: Glen De Saint Gery
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11:00 am CT**

Glen De Saint Gery: (Mike)?

(Mike): Yes Glen?

Glen De Saint Gery: Hi, (Mike) this is a new cool provider that I'm trying. So your feedback after the call would be a nice welcome.

(Mike): All right, well so far so good.

Glen De Saint Gery: Okay, I've asked them to ask you when to stop the recording please (Mike).

(Mike): Okay.

Glen De Saint Gery: Have they asked already?

(Mike): No, they haven't.

Glen De Saint Gery: Oh, okay.

Operator: We're just waiting for the signal from his line.

Glen De Saint Gery: Okay.

(Mike): This there buttons I should push or just tell you?

Operator: Just say when ever you're ready to go.

(Mike): How do you say...?

Operator: Just say, ready to be begin recording.

Glen De Saint Gery: Has anyone else joined the call?

Operator: No, madam.

Glen De Saint Gery: Thank you.

(Patrick): Hello?

Glen De Saint Gery: Hi, Jeff?

(Patrick): Glen?

Glen De Saint Gery: Yes.

(Patrick): This is (Patrick).

Glen De Saint Gery: Oh, (Patrick), hi (Patrick) which number did you get in on (Patrick)? Sorry I had lost connectivity for about a half an hour and I could not answer your email.

(Patrick): Well, I wasn't sure which was the right number so I just tried them both.

Glen De Saint Gery: Oh, and which one worked?

(Patrick): It was the second one.

Glen De Saint Gery: The second one, okay. Hi, Olof.

Olof: Hello.

(Patrick): Hey, Olof.

Olof: Hey (Patrick).

Man: Hi there. I'm going to be on mute until I get into the office, so a few minutes.

Man: Hey Glen.

Glen De Saint Gery: Yes.

Olof: I answered this leader view.

Glen De Saint Gery: Oh, yes, okay, you need another number Olof and the number is...

Olof: I'm into it so I mean that's the conference ID, I got that.

Glen De Saint Gery: Okay, you got it. So, that's all right.

Olof: Yes, if it's all right I don't know.

Glen De Saint Gery: But can you see who's on the line?

Olof: Not really.

Glen De Saint Gery: Because I can only see myself and (Mike).

(Allen Greenberger): And (Allen Greenberger) is here, you should see me.

Glen De Saint Gery: I can see you at all. So, I'm just seeing what happens here. When I do this.

(Allen Greenberger): They took my name and got the spelling right.

Glen De Saint Gery: Oh, good. Yes, I don't see.

Olof: Its kind of bazaar I mean I can see, (unintelligible) connected Glen
(unintelligible)

Glen De Saint Gery: Yes.

Olof: And the record (unintelligible) records (unintelligible).532

Glen De Saint Gery: But that's all.

Olof: That's all (unintelligible).

Glen De Saint Gery: Oui, oui. But that's all sir. In fact it's not working.

Olof: Unload participants list, perhaps I'll do that. There's an additional charge...

Glen De Saint Gery: There's an additional charge, don't do it Olof.

Olof: This is like (unintelligible) and company.

Glen De Saint Gery: Exactly.

Man: I wasn't sure what happened because the operator called me. You sent around a completely different number than our usually number?

Glen De Saint Gery: Yes, I did because we're trying out a new call provider.

Man: Got it. Did you even clear that it was a new number? Sorry, I didn't read the email.

Glen De Saint Gery: Yes, yes, I did, I said the numbers have changed.

Man: Well...

Glen De Saint Gery: And...

Man: Did you call that out on the last call probably for folks. I bet it just...

Glen De Saint Gery: Should I send it out again?

Man: Yes, I think so because I would like to have this call today.

Glen De Saint Gery: Okay, okay, I'll do that.

(Mike): They're probably on the other line right now.

(Allen Greenberger): (Mike) and Olof its (Allen). Is there any reason I can't send this draft report to the (Alax) not for further distribution by just to them?

Olof: Well, basically it's on the list?

(Mike): (Unintelligible).

Olof: Meaning that it's seen by the public.

(Allen Greenberger): Yes, that's what I thought. I mean it hasn't been published on the web but there's no reason not to give them this update, I don't think.

Olof: (unintelligible) that's the, but its sort of half measure?

(Allen Greenberger): Well, I will call an internal draft working document. Just to give them a flavor of where it's going.

Man: Allen it will probably be a new version what Olof tomorrow? Or later today?

Olof: Oh, not later today because I'm fetdling with the idea...

Man: Tomorrow is the same then, if this new version come in within a day or so, I'll wait.

Olof: Yes, well, there is sort of...

(Allen Greenberger): The timing is not critical, I just wanted to give them some sort of update.

Man: Maybe tomorrow will be better because it will include the latest dissertation from Kristina and some of the...

Man: Okay, then the next version will be the one then.

Olof: Right, 1.4.

Man: Okay.

Olof: Stay put for that one.

Man: That's fine with me.

Olof: Great, I mean this list is public. So, I mean the...

Jeff Neuman: Hi this is Jeff Neuman.

Olof: ...mailing list.

Glen De Saint Gery: Hi, (Jeff).

Man: That's true it is an open list.

Jeff Neuman: I accidentally dialed the wrong number, so I'm sorry I'm late.

Glen De Saint Gery: Okay, that's fine. Which number did you dialed (Jeff)/

Jeff Neuman: I dialed the old number.

Glen De Saint Gery: Okay, so it wasn't clear to you that there's a new number.

Jeff Neuman: No, I just had it in my, I didn't look. It was my fault. I just have this as a reoccurring appointment in my calendar.

Glen De Saint Gery: Okay, so that's fine I seen that...

Olof: (unintelligible)?

Jeff Neuman: Yes.

Olof: Well, this was just to confuse everybody.

Man: I was arguing with the guy, he said "There is no call today for that". And I said "Well yes there is" and, anyway.

Olof: Almost made it to (unintelligible).

Man: Yes.

Olof: Hadn't made him abide by that.

Glen De Saint Gery: Okay, I seen that again.

(Kristina Rosette): Glen?

Glen De Saint Gery: Yes.

(Kristina Rosette): It's Kristina . The queue is very long. I was in the queue for almost six minutes.

Glen De Saint Gery: Oh, thank you very much because that's good to know Kristina . I need all the feedback I can get. Because and I'm seeing that Jeff Eckhaus is on the call too.

(Jeff Greenberger): I don't know what this means Kristina but I didn't have to wait at all.

Glen De Saint Gery: Who's that? (Allen)?

(Jeff Greenberger): No, it's (Jeff).

Glen De Saint Gery: Oh, (Jeff). Oh, yes (Jeff) because you phone in I think just on the hour. But that's good because that is one of the reasons why we tried a new provider.

Operator: Excuse me this is the operator.

Glen De Saint Gery: Yes.

Operator: Yes, madam, I hear earlier that you were having trouble seeing the participants who dialed in from the UK on leader view?

Glen De Saint Gery: That's right, yes.

Operator: Yes, the, have you pulled up the web? Its two different websites for leader view for the Americans and a leader view for UK.

Glen De Saint Gery: Oh no we can't work this way. I'm very sorry. I have to have one data view that I can see all the participants on. There's no way I can do two things. Okay, that's all right, it's not your fault at all.

(Amy): Hello, Glen?

Glen De Saint Gery: Yes.

(Amy): Hi Glen this is (Amy).

Glen De Saint Gery: Hi, (Amy).

(Amy): Hello. Just the way that this call is booked today...

Glen De Saint Gery: Yes, well I'm sorry (Amy) we can't go on like this. This lady (Kristina Rosette) had a six minute wait to get onto the call.

(Amy): This was what we were talking about in (unintelligible) you'll need to (unintelligible).

Glen De Saint Gery: Yes, but you know this is the second time now that I've tried your calls. This is a trial and I must say it's not going well.

Woman: It's because (Amy) put myself and (Adrien) (unintelligible) through the (Amea).

Glen De Saint Gery: Yes, okay. Can we please start because its 11 minutes into the call and that is quite serious.

Woman: Operator can we start the recording please?

Glen De Saint Gery: Not the recording I want to know if Mr. (Redenbach) would like the recording started?

Woman: Sir are you online?

Man: I guess we will go ahead and start it, yes, 10 minutes in.

Operator: Okay, the recordings are started.

Man: Thanks. Good morning everybody. Glen, lets start off with a roll call please.

Glen De Saint Gery: Yes, we've got Olof and (Patrick) from staff. Jeff Neuman, (Mike Rodenbach), (Allen Greenberg), Jeff Eckhaus from the registers, (Kristina Rosette) IPC, (Jonathon Franks) from registers and have I missed anybody?

(Margie Mallem): Yes (Margie Mallem).

Glen De Saint Gery: (Margie Mallem), thank you (Margie). Anybody else? Okay, (Mike) that seems to be it.

Man: (Danny Young) and (unintelligible).

Glen De Saint Gery: We have not got (Danny Young) and we have not got anybody from ISP.

Man: Okay, I know (Danny) won't be joining us but he will be submitting his text.

Glen De Saint Gery: Okay.

Man: Good to know.

(Man): So my only real goal on the call today was to go through the draft report and take comments from the group, as well as try to obviously get (stata) and figure out how (unintelligible)

Man: Is anybody still there?

Olof: Somebody (unintelligible). I hope it's not me.

(Man): Okay, so good the call is still going.

Man: Anyone here except for Olof and me?

Jeff Neuman: This is Jeff Neuman, I'm still on.

Man: I'm on.

(Kristina Rosette): Kristina is still on.

(Patrick): I'm still on, it's (Patrick).

Man: People hearing me? Mike?

Man: I think we lost (Mike).

Man: And Glen.

Man: Can you guys hear me?

(Kristina Rosette): Yes

Man: Yes.

Man: Weird. Was talking to you through a head piece that just all the sudden apparently stop working.

Olof: Glen are you still around? Is Glen with us?

Man: Good deal. So, let's go through the report. I would suggest if everyone has got it, the latest draft that's been circulated on the list was Jeff Eckhaus's draft. It was about 90 minutes ago. It's only a few comments but it was the latest draft.

Man: Well there were comments from (Tim) after that.

Man: Correct.

Man: Yes, I have some comments too but I didn't want to get into a version control issue, so I didn't...

Man: No problem, you know now is the time. I think Kristina had some comments as well. So, if you guys are okay with it, I would like to take it section by section.

Executive summary, does anybody have comments on that as it stands right now?

Man: Yes, I think Jeff Eckhaus had some and I, this is Jeff Neuman and I have some comments as well. Do we want to go to (Jeff)'s first.

Man: Okay, so (Jeff) which essentially (Jeff) is saying that you want to move the first sentence of 1.2 and you want to add that characterization to a different section other than this one?

Man: We might have lost (Jeff).

Man: It looks like we might have lost (Jeff).

Jeff Neuman: Well, this is Jeff Neuman, I can comment on that sentence too. I mean I found the first sentence a little bit misleading given the fact, I mean later on when we do the analysis it says that, I'm looking at page 8, it says the majority of the respondents are IP owner representative, I think that need to be pointed out in the out comes.

And I'm not making a conclusion as to whether that's one way or another but it does say, the R5 prompted over 200 responses with the clear majority of respondents claiming as the disadvantages to maintaining out weigh the benefits. But that's going to be in the Exec Sum then also the fact of who the majority of responses were from.

(Kristina Rosette): I think, this is Kristina I do agree that it makes sense to provide the categorization more clearly up front. And I think that maybe that's the way to go. Is to say the (Orify) prompted over 200 responses and then provide the break down as the remainder of that sentence.

And then if there is agreement to keep the sentence with a clear majority of blah, blah, blah make that the second sentence. So, right up front you now exactly what the percentages are of respondents.

Man: Right, and also a sentence with that I read in (Jeff)'s comments, may not be his main point, but the fact that people felt clear to what their interest were.

Man: Okay.

(Kristina Rosette): Wait, I can't get the comments to print.

Man: He's basically saying that we should also say that the respondents felt (unintelligible) to self categorize themselves.

Man: Right.

Man: Okay, so starting something like this, The (Orify) prompted over 200 responses and majority from IP owners and representatives...

(Kristina Rosette): I would actually be more specific. The (Orify) prompted over 200 responses with the following breakdown. The following self declared breakdowns.

Olof: Yes, we can, I think I can get the jest out of that. I mean, I'd be happy to have a go at it with the breakdown. Considering that, well the breakdown doesn't add up because many people could declare themselves as many different things at the same time. So, I mane IPR, those as well as registrants and well you name it, some checked all the boxes.

Man: And also, this is just supposed to be the summary. I don't think we need to put all of the factual information in this paragraph.

Olof: No, but I'll do my very best to have an introductory line here that sort of covers the situation along the line you've eluded to on self categorization and well this overlapping breakdown.

Man: Okay. We'll leave that up to you then Olof.

Olof: Then you, tomorrow's version and then I guess push back from your wall in the second step. Or hopefully none, but well at least to advance the (Mastery).

Man: Okay, perfect.

Man: And then I got some comments on the, I got some comments on the paragraph that starts with Graphs based on data.

Man: Okay.

Man: The first comment is in looking at all the other information it looks like the graphs are only dot com and dot net, so we should probably point those out because while that's the two largest and you can categorize them how you want they're not all the (G fieldies).

Olof: Okay, okay, so I mean it's...

Man: That's fine why don't we just add in here from...

Olof: General appearance here so specify on one, on that.

Man: And then the next, I just wanted to know what the definition of volatility of net additions, I just didn't understand, I mean volatility is...

Olof: Volatility to my mind is if you look at, well at any, volatility in the stock market sense, that it swings big swings up and down. And that's exactly what you see.

Jothan Hi this is Jothan.

Man: Hey Jothan.

Jothan Hey, apparently both (Jeff) and my lines got muted somehow by the conference system. We've been attempting to comment but we've been silenced.

Man: I assure you it wasn't intentional.

Jothan Probably not. On section 1.2, I think Kristina pointed this out on one of the calls, that there was a misunderstanding in the lay out of the survey that really sort of moved some of thundering heard of IP respondents into this survey as oppose to the survey that they were being directed at? Is it possible to not that in the outcome summary?

(Kristina Rosette): That is a complete mischaracterization.

Man: Oh, I apologize.

(Kristina Rosette): Of my comment. And in fact you know, if you all are going to take the position that IP owners were not entitled to participant in the general, I need to know that now.

Man: Wow, I didn't mean to have made that gross of mischaracterization. What I'm referring to is in a previous call where there was some form of a technical issue where it was confusing for (unintelligible) property interest as to which survey to respond to.

(Kristina Rosette): Well, if we were confused as to which one was the IPC one.

Man: Right.

(Kristina Rosette): We encouraged them to respond to both. But they were confused as to which one was the IPC one.

Man: Right, I thought last week and I apologize for the mischaracterization Kristina it certainly not intentional, that what you'd identified was that there were people who might have been intending to go to the other but went and responded to this instead. Maybe I misunderstood what you said in the last call. I'll go back through the recording.

(Kristina Rosette): No, no, no, I mean that is correct, but I don't think that changes the volatility of the overall responses. I mean it was open to them to participate in, yes.

Man: I don't disagree with that I think it was open to anyone who was aware of it. It was a fantastic job of spreading awareness.

Man: I'm really not clear what you're asking for Jothan. If you're asking for some purpose text to go in here, then I think you should drop it.

Man: Just supply it.

Man: (unintelligible)

Jothan Well, I do want to factor what Kristina 's commenting on. It wasn't, it certainly not close to anyone. But, there was, because of the placement there may have been misdirected response.

Man: I mean I just don't know...

Jeff Neuman: Hey Jothan, this is Jeff Neuman I think by putting it up front like we were just talking about, the fact that the majority of them indicated that they were IP owners, I think that kind of gets to the point without putting that kind of statement in there.

Jothan Okay.

Jeff Neuman: I think, personally.

Olof: (unintelligible).

Man: Okay.

Man: So if I can go back and just the whole volatility to me creates the impression of instability or some sort of security instability problem, which I'm not sure the tasting, I'm not sure that we should we make that conclusion.

Jeff Eckhaus: This is Jeff Eckhaus can you hear me now.

Man: Hi.

Man: yes.

Jeff Eckhaus: Okay, I was on the line the whole time but I couldn't speak, I was on mute.

Man: Good to have you.

Jeff Eckhaus: Yes, I heard everything but I couldn't speak. So, I finally got, I actually had to hang up and dial through another line. But, okay now I'm back on. But I did hear everything in the past so there's no need to go over it.

Man: Thanks (Jeff) sorry for the trouble.

Jeff Eckhaus: Yes, I don't know what's wrong with the line here, but we're okay now.

Man: The new conference call providers. So, having some bugs today.

Man: Am I the only one that thinks that the word volatility kind of give you a question of security stability problem? If I'm the only one then it doesn't matter.

Man: No, (Jeff) that was my comment in the piece that I think volatility is actually the wrong work to use and the notes and negative cementation and that we shouldn't use that word.

Man: Okay, I agree with you guys, its not a big deal to me, why don't we just change it to something like, the data also demonstrates fluctuations of net editions over time. And then, the data speaks for itself, people can look at it.

Man: Yes, I'm good with that. As Jeff Neuman, and it repeats itself in one of the graphs, I think one of the comments below one of the graphs talks about volatility.

Olof: I'm happy to change it. I was taking it into a stock market graph sense. But I didn't see necessarily a negative cementation interesting cementation rather. But, fluctuation is good. Okay.

Man: All right, thanks. So then (Jeff) had another comment on the CCTLD and are you saying that the statement, (Jeff) that hastening is a comparatively rare phenomenon, largely due to the absence of any (unintelligible)?

Man: Yes, I think it's jumping to a conclusion and saying it's due to the absence of AGP where I think that what I was reading and I think I sent that out back to the list was that many of the comments dated afterwards, they said that it's due to the absence of AGP and that they offer monthly fees.

Which as for dot EE which they said, such added grace period is not needed in our case because we charge our member not yearly but monthly fees. So, it's saying we don't have an added grace period but we don't have it because we offer monthly.

So, we're making a big jump saying, we're not putting in an important piece that's saying that they offer monthly, different pricing schemes versus an annual and that's why many of the ccTLD don't see it.

And then I also agree with Jeff Neuman's response which he sent via email, which I'll let him discuss. So, I think both of those combined don't really, I don't like the term of saying that, I don't like the conclusions we're leading to. So, I'll let (Jeff) speak to his comments on this.

Jeff Neuman: Yes, I wanted to say that I think the first part that the maintain thing is not as much as an issue in CCTLD as I think a correct statement, but I agree with (Jeff) (unintelligible) because it's not necessarily the right reasons.

Although ICANN did not solicit input from dot us which I'm not sure why not but we were not one of the CCTLD that ICANN had asked. (Valuest) does not

have a tasting issue primarily because, and we do have an AGP, but I believe its all to do with popularity of the domain name space.

You know the more popular a domain space is the more tasting it's going to recurred. I think that's probably the biggest influence.

(Patrick): (Jeff) this is (Patrick). I did keep (unintelligible) about US and I have some limited information but I understand your going through the re-bid process.

(Jeff): Yes.

(Patrick): And I was advised to wait until that was complete before any information could be released.

(Jeff): Okay.

Mike: Okay, so I understand what (Jeff) and (Jeff) are saying about the characterization here that they're largely due to absent to any AGP and I think that Olof can essentially take that phrase out and it doesn't really, it's just not necessary. I think we can say instead that some do not have AGP, some are for mostly pricing schemes, you know, they just deal with it in different ways.

(Kristina Rosette): Mike, this is Kristina . What about elaborating on the slightly by just identifying sort of generally, in a one sentence summary? The various reasons that we're provided?

(Mike): Right.

(Kristina Rosette): As opposed to us saying, opposed to us drawing conclusions based on what we said, let's just summarize what they told us.

Olof: I think it was, I mean, of course the problems with summaries are always forgetting nuances, right? So, thanks for that, I'll work on it.

Man: Okay, anything else in 1.2? Okay, 1.3?

Man: I mean 1.2, Kristina are you going to, is that last paragraph are you going to do a paragraph there for...

(Kristina Rosette): I am just now; I just got basically complete data in a form that I can read last night for the IPC. So, I was actually in the process of drafting something up. I need to obviously circulate it to a couple of people but I fully expect to have something posted by this time tomorrow.

Man: Okay, so that's the (Atiesus) survey and the UDRP survey?

(Kristina Rosette): If someone will be willing to take on UDRP I would be most grateful, simply because, you know, and to be candid with you based on, I don't know to what extent you all have had a chance to read the responses, but there isn't really going to be a clean way to summarize all three responses, assuming of course we get (Wipos) permission to make its letter to meet public.

Man: Okay.

(Kristina Rosette): There's just no kind of common, you know, I just think that maybe the best thing that we say is that, you know, that we reached out to them and they all have frankly different experiences.

Man: Well, yes they didn't color inside the lines, did they?

(Kristina Rosette): No they didn't.

Man: Okay, and then (Jeff) and you coming through with text on the registers?

(Jeff): Yes, I shipped that over last night.

Man: Oh, you did?

Olof: That's already pasted in version 1.4.

Man: Was that posted on the list?

Man: Yes, it was.

Man: Yes, I received it on the list, by the way.

Olof: Two three liners into the outcome summary of course would be great if I could get help, rather than me trying to compress it even further.

Man: So you need it more compressed?

Olof: Well, I got it, and that's fine, and of course, I can have a go with summarizing it into the outcome summary, but any help in that respect, if you want to draft a three-liner or something, would be great.

Man: First of all, I don't think I received that, so I've got to figure out what's going on.

Man: Are they forwarding your email from Yahoo? I think you're . . .

Man: I'm supposed to be changed to my new address now with all the ICANN lists.

Man: The list should be changed.

Man: I've been getting other stuff on the list, actually this morning. So I'm not sure what happened with that one, but I'll check it down. And then the request from Olof as to (unintelligible) whether you're willing to offer some executive summary lines or do you want Olof to take the first step with that?

Man: No, I'm glad to.

Man: Okay.

Man: Thanks.

Man: And then (Danny Younger) said he would be getting us the text by today on the (Zone) file data study that hasn't happened. So is that it then for 1.2?

All right, 1.3, we can talk about that when we get to that section, I think.

1.4; if anyone has general comments on 1.3 or 1.4, those are real important, I think, for us all to agree on as much as possible, so I'd like to hear them.

Woman: I don't want to get ahead of ourselves and I know that we've got a lot to get through, but I think with regard to 1.4, it would probably be helpful to the council, I would suspect, to provide a little bit more detail to what we would consider to be a more thorough cost benefit analysis.

Olof: 1.4, mind you, it's a summary.

Woman: Oh, it's just a summary. I'm sorry; I apologize.

Olof: Really, I think that's sort of a compression of Section 5.

Woman: Okay. I apologize. Never mind.

Man: I would go ahead and actually jump to Section 5 since, I think this is some of the most important sections to talk about.

Man: But we're going to come back, right, because I have comments on Section 3, but we will.

Man: Okay, those can be dealt with on the list probably as well, but I think we'll have time, hopefully. I just wanted to make sure we talk about these issues so we get some clarity here. So Section 5, has dropped (unintelligible) and modified a little bit by me. Does anybody have any comments on where we're at with this?

Man: Yeah, so my comments on this and I know I'm going to revoke a reaction out of Kristina , and a lot of this is actually covered in Section 3 with the way some things are characterized, which we can go over later, but I would like to see, not just an economic study.

But I'd like to see a legal study or legal verification, and the reason I'm saying this is because I believe there are a bunch of IP attorneys and I have talked to several myself, that confused tasting with just general cyber squatting.

And one of the things I'd like to see done is some independent third party to go in and to validate whether these are IP issues during the tasting period or

whether they're just general cyber squatting issues where it's an actual registration past the five-day period.

Man: (Jeff), I guess I'm not really understanding what you're proposing.

(Jeff): I'm proposing an independent study to verify some of the claims made in the outcomes, I guess.

Man: Okay, so you're specifically saying which claim?

(Jeff): If we go back to Section 3, but I don't want to drag us out there but there's a paragraph on Page 9 which talks about 139 out of 182 believe that the main tasting impact experience for the Internet comment stated adverse effect on security of (unintelligible) users through increased phishing and other abusive activities facilitated by domain tasting.

That I want to see verified. That's one; that's not the IP one, but that's the security one because I personally don't believe that phishers taste because they're not really tasting.

Man: (Unintelligible) white paper from the APWG on that point which has not been incorporated in this report yet, but will be summarized in the report, tomorrow's version.

(Jeff): Right. And then there's just a number of sweeping statements from intellectual property attorneys believing that tasting is leading to all these sorts of infringement, and I just want some independent party to go in and verify that.

Man: Okay, what I hear them saying, what I think they mean is that tasting facilitates cyber squatting, just by making it easier, right, by allowing these guys to test traffic and decide what things to keep for free. And honestly, I don't feel like there's really any study that can be done to either approve or disprove that.

(Jeff): If you can't prove that or disprove that then it's got to be stated as a belief and not as a fact.

(Margie): This is (Margie). We submitted some evidence on that and if you look at our brand jacking, that's exactly what we looked at. We looked at brands that were tasted, so I have statistical information on that and I submitted it in the process.

Man: Well, (Margie), that's a marketing document, though.

(Margie): No, we have statistics behind it. We're happy to defend our analysis and we've done more analysis than anyone with respect to domain tasting at this point. So I don't understand the attack simply because it's presented in a marketing fashion.

Man: Here's my personal view, and this is just me and I am an IP owner or I represent the IP interest of the company. I do agree with the assertion that brands are tasted. I do agree that that is a highly desirable names that are tasted, but I will tell you as an IP attorney, I don't care about the names that are registered and deleted within five days. I care about the names that are registered period.

So if it's kept after the five days, then I'll go after them.

Man: Right. Do you agree that without domain tasting, there likely would be far less squatted domains registered past the five days?

Man: Is your question without an AGP, do I believe that there will be less brands that are cyber squatted?

Man: Yes.

Man: No, I think brands will be cyber squatted whether there's an AGP or not.

Man: I think I agree that cyber squatting is going to continue regardless, but hopefully this would put a dent in it.

Man: So what I'm asking for, though, is a kind of study done on -- let me take it back. I'm not doing a good job in representing what I am saying, so let me take it back and I will write something up for the list.

Man: Okay.

Man: But my main point was I think it's more than just a study of the economic (unintelligible). Then on 5.2, the last segment says that it should be (unintelligible) it's preparing a study on domains front running, if we could just provide more information. I don't know what domain front running is.

Man: I have the same comment.

Woman: Yeah, so do I. What is it?

Olof: What it is because I just heard that from (Dave Piscatello), on the (unintelligible) and front running, maybe there are other names for it, but he

named it like that and it is spying on domain name checking in order to then run away and taste it.

Man: Got it.

Man: Someone does a "who is" search on a name and doesn't end up registering it, then someone else will come around and taste it because they've spied on that?

Man: Yeah.

Man: Yeah, you know where the term -- the terms comes from what stock traders do when they get orders from customers, they would buy the stock ahead of the customers and then put their big customer order through and it would go up at a higher rate and they would sell their stock back to that customer. That's front running.

Olof: Okay, expand a little on that.

Man: No, I would say I would like (unintelligible) just to see their study.

Ram Mohan This is (Ram) from Afiliast I am on the SSAC. So I can speak briefly to it. The front running actually, the origins of it come from what happened in the US in the latter half of the 19th Century were in the southwestern part of the US, some settlers devised ways to preemptively file or jump a claim on a parcel of land prior to the official start of the land itself.

So that's a little where the front running came. It literally ran in front of where it was supposed to go, and the stock brokerage thing is also -- there is a common term there.

What the SSAC study tries to do is following, domain name front runners gather information that helps deduce whether a domain name is currently of interest to one or more parties and then they use this information to register the domain name that may then subsequently use for trading or monetization or made available to a secondary marketplace or sold at a profit.

But the reason they even came to know that these names were of interest or could be of interest is because they found out about it through the manipulation or use of sources where the user is trying to get the information, didn't expect it by the mere fact of looking for a domain name, they would give up the domain name itself.

Mike Rodenbaugh: Yeah, my comment on that is not really tightly related to the subject matter of this report. But I'm fine having some notes in here about it. I don't think it belongs in this Section 5, but could be mentioned somewhere else.

man: Yeah, I agree with you on that. I believe that's an issue, but I don't believe it's related to this report.

Olof: I can easily take it out or put it somewhere else.

Man: I think putting it in the background section would be good, to point people to it.

(Kristina Rosette): This is Kristina, I have a comment about 5.11 if this would be a good time to raise it. I don't know if we've moved on or we're coming back.

Man: No, we're here in 5.

(Kristina Rosette): Right. I am a little concerned that the phrase that the overall economic effect is really not particularly helpful in the sense that I think we need to be a little bit more specific about what it is that we would take into account with that, in the sense that, I guess my concern is could that be so broad that it could include things like statistical analysis of the impact of the valuation of a brand for domain tasting, and the IP owners on this call know that getting the brand valuation study is going to set you back six figures minimum.

So I think we need to make sure that we're clear to the council what it is that we want in the confines of what we think should be accomplished.

Man: I agree with that completely. I have the same issue about trying to judge the economic effect. The economic effect to IP owners and brand owners is hard to quantify obviously. We could produce all sorts of anecdotal evidence, but to quantify that on a global scale is basically impossible.

(Kristina Rosette): You could try and get information about additional expenditures and legal fees and monitoring services and so on and so forth, but to get the actual value of misdirected consumers or whatever, that I think you're just kind of creating a (unintelligible) battle for yourself, frankly.

Olof: So, what do we do?

(Kristina Rosette): I don't know. I just don't have a very good sense as to what is intended; I don't have a good enough sense as to what that's intended to encompass to really be able to come up with any helpful suggestions.

Man: This kind of relates to my comment, too. Why don't we just say an in depth study of the overall economic legal and other effects of domain tasting?

Olof: Yeah, that's on 5.2, but on 5.1, assess the overall economic – it's sort of giving the task either to the (unintelligible) Council and to some kind of outside consultant for further research, but maybe in 5.1, the expression 'economic' is really – perhaps it's better to say, "Assess the overall effect."

Man: Are we looking for a quantitative answer to that? Is the answer we are looking for, there is a cost of \$4 billion associated with this or are we looking for something more qualitative?

Man: I think as Kristina and I were suggesting, it's simply impossible to provide quantitative analysis of the effect.

(Kristina Rosette): Well, and frankly if we rely solely on qualitatively, quantitative ignores a really important aspect of this, which, I'll get into it later; I'm having to post more online, but one of the things that came out in the IPCR cyber responses is that there is a perception.

And I'm just saying perception because we all know perception can't do about them necessarily. But there is a perception among that community that ICANN condones tasing, and that to me whether or not, I'm not saying ICANN does; ICANN does not, I'm just saying that the fact the perception is out there, has a value and it may be one that should be taken into account, and obviously we're not going to limit it to just that, but my point is is that there, as (Alan) points out, there are qualitative issues to this, as well.

Man: And in fact, if you think about it, what quantitatively could we potentially seek to prove? Other than the facts that we're already showing from the monthly reports and perhaps some other data that we've asked for from Verisign, some more specific data and there's not a whole lot more data that I

feel like we want to ask the council or anybody else to try to find. Does everyone agree with that assessment?

Man: Well, (Mike) I think, was this a placeholder for the economic study by the economists?

(Mike): Well, I think that's what Olof was thinking. I mean he can obviously speak for himself, but . . .

Olof: Well, essentially yes. Whether that's a forlorn effort and you will never be able to make any economic assessment, but I'm not the one that can judge that, but that was indeed sort of, in order to stop dropping something, what further research could one envisage? And that sprang to mind, that of course, what you would like to be able to do if at all possible would be some kind of cost benefit analysis.

Maybe that's a forlorn effort.

Man: Well, it might be. Just take into consideration, some of the feedback that I got in the Section 4.3 was that there'd be significant economic impact in the elimination of AGP versus some of the other options, and how do you calculate that on what the impact is, as well?

Olof: Indeed and that, of course, yeah, whether it is justified to introduce measures against domain tasting, if any, so what measures? There would be a two-step cost benefit actually, analysis of that. But as I said, I just put it down in order to draft something.

Man: I appreciate that, Olof. I'm thinking that it ought to look more like we're asking the council, or in the terms of reference would say, a working group in

the PDP should assess all the benefits and harms that have been identified through this work and make policy recommendations as to how to deal with the issue.

Man: Are you replacing Point Number 1 or all of the points?

Man: Isn't that the next step rather than asking for more studies?

Man: Is there economist action in motion on this, I guess is the question and should we leave a placeholder for it?

Man: The answer on that is no. (Unintelligible) mentioned it in our first call and we, (Patrick) and Olof asked him about it several times and never got a response, so bottom line, nothing happened with that.

Olof: Well, let me put it like this, that that was sort of very quick in-house action. If further researched then it would most likely be contracted outside of the body, contracted by ICANN.

Man: I'm not hearing anybody identify specific things that could be researched any further.

Man: Well, I called out to the 4.3 document that I again submitted, is that there should be some careful consideration on the proposed solutions, things that might be floated for example, again, the elimination of AGP might have a significant financial impact to the people who are trying to create a higher level of quality of service to people. But there might be alternatives to that that are less financially impactful in the case of remedy customer issues, et cetera.

Then also if there is a consideration of what type of impacts to change in a provisioning system or the business logic surrounding it because that's going to mean all the registrars have to implement X number of changes and there's cost associated with that. There might be communication to their customers involved and things like that. So those are things that would want to be factored in.

Man: Okay. I think I'm hearing you say that to the extent various solutions are considered, then the next working group would need to consider the economic impacts that those solutions might have.

Man: Economic or otherwise because if you disrupt the user experience in some manner by making a change you're going to have to communicate it. There's just other logistic aspects to that to make sure that the registrant experiences best possible in the transition.

Olof: We were trying to deal with two things, the draft terms of reference and for potential further associates at the same time, they could be actually inter-linked in various ways, but are you suggesting that this would be the focus for both in draft terms of reference and for the further research and for leaving the options for (unintelligible) council to follow one track or the other or both of them?

Man: According to the, I think in the by-laws, the PDP that impact always has to be looked at in any kind of situation.

Olof: Indeed, if we go the PDP road, yes.

Man: Right. So you'd have to look at the impact in a PDP on, not just economic impact, but impact on any of the constituencies or its members, so I think that's kind of already in there.

Man: Good, so we should probably just quote that language from the PDP. That makes sense to go into a terms of reference for a PDP, right?

Olof: Okay, I'll (unintelligible) and put it in.

Man: So where I think we're at is we're asking to review the information that's been submitted including all the proposed benefits, arms and solutions to the issues of domain tasting. And then consider the economic and other benefits and harms to the constituency from each proposed solution.

Man: (Unintelligible) sort of benefits and harms, what kind of impact is that going to have on registrars; what kind of impact is that going to have on registries, users, IP owners?

Woman: We can do cartwheels in the street, but let's just see.

Man: So consider economic and other impacts to constituencies from each proposed solution and make recommendations to council about those solutions.

Man: And I want to see those cartwheels captured on you, too, Kristina .

(Kristina Rosette): Oh, absolutely. No problem at all, right down Pennsylvania Avenue.

Man: Okay.

Olof: Okay, I think we have got that.

Man: Back to Section 3.

Man: All right, good. So then essentially before you do that, I think we agree then that 5.2 is essentially deleted.

Olof: Deleted completely or -- yeah.

Man: Other than the part about the front running, you'll have a free standing . . .

Olof: I'll move that to background.

Man: Okay, so Section 3, then. (Jeff) you had some comments.

(Jeff): Yes, do you want to go through it or, no I had nothing on Section 3, actually. Mine were in . . .

Woman: I do.

Man: Sorry (Jeff). (Jeff Newman).

(Jeff): Oh, (Jeff Newman). Okay.

Man: And actually, let's go ahead and if there's anything on . . .

Man: Wait, can we not fast-forward past 5.2 just real quick. For further research, there's one thing that comes to mind. I think it goes back to unfortunately, (Margie) I didn't mean it as an attack, but to identify like the (Merck) monitors, statistics of marketing material versus statistically proven data, that

there be some research where somebody goes back to some of the material and says, "Okay, how did you arrive at this? Can I duplicate that?"

I think for some of the information where (Jeff Newman) had identified that there's perhaps some confusion among other issues, that there be some clarity done, and I think that is real important here, that there be a review to basically validate statistical analysis where support information wasn't provided to create some clarity where there might be some confusion of issues.

Olof: Could you propose working on that? I will and I'll also submit it.

(Margie): I don't have a problem with that. We did a lot of work on achieving those statistics, so we're happy to talk to whoever wants to hear how we approached the issue.

Man: And I don't mean to call the statistics into question; I'm being more general.

(Margie): Yeah, and I think that's reasonable.

Man: And I certainly respect (Mark Monitor) and you've got great research, wonderful people.

Man: We do also need to (unintelligible) to the (Mark Monitor) (unintelligible) reports somewhere in the (unintelligible) office.

Olof: And somewhere else than the opposite is referred to and while the same goes of course, for the APWG submission and well, I'm open to suggestions.

Woman: Olof, I had submitted by email additional information that's not in our brand-jacking index. I don't know if that got processed in any way, but there were

actually charts that kind of highlighted how to answer (Jeff's) question earlier about whether it's a cyber squatting issue or not, I have actual examples of famous names being registered and re-registered over maybe a two-month period.

I don't know if that's useful for people to understand how in practice it works.

Olof: In order to cover it because unless it is in the public domain somewhere and I can put a pointer to it, while the only way to get it covered really is to have it as (unintelligible) for the report, so first question, is the APWG and also what you're mentioning about the separate submission, is that available somewhere already posted?

Woman: We submitted and during the RSI period where it said you could email information, we emailed it in. So I don't know if that got publicly posted, but we certainly submitted it.

Olof: Yeah, but you didn't submit it through that particular channel.

Woman: We did. We submitted the online form and then it said, because we had documents to attach and it was difficult to do that. The instructions said you could submit by email and I have the email that we sent. So I just don't know how that got processed, but it had as an example, it had several names that were dropped and re-registered over a couple months period, just as an example of what we're talking about.

Man: And Olof, I saw (Margie's) post on August 2 where she provided a link to the group.

Olof: Is there a link through on August 2. Okay if there's a link-through, that's great because it makes it much more simple, and then I can put it in the stack and the APWG some reference to that in – what are we talking about now, Section 3, I think. Yeah, no Section 4.1.

Man: The APWG needs to submit it, right? So what's the plan on that?

Man: Submitted.

Olof: It is submitted, but again, it is submitted as an attachment to (unintelligible) and I just wondered is it posted somewhere so we can make a link to it?

Man: I can get it posted on the (unintelligible) phishing APWG site, no problem.

Olof: Great. Then because it's already quite unwieldy with its very lengthy (unintelligible).

Man: We'll send a note on that right now.

Man: All right, so back to Section 3.

Woman: I'm going to have to jump; I have a 12:00 meeting. Olof, when do you anticipate the next versions coming out because I guess what I'm looking for is guidance from you all as to, am I better off listening to the recording for the part of the call that I missed in commenting or just waiting to see 1.4 or what the plan is.

Jeff Eckhaus: That's a (unintelligible) question. It's Jeff Eckhaus and I have to run also, so I want to (unintelligible) scheduling with the thoughts that were for today and going forward.

(Mike): Okay, so Olof is committed to putting out another draft tomorrow for Version 1.4.

Olof: Yeah and tomorrow my daytime, so to speak. So I guess most of you will have it for breakfast.

Woman: Okay, what I will do then if it's okay is to (unintelligible) that I just have really kind of minor probably presumably non-controversial changes, like really basic ones. I'll just post those to the list as soon as I get back from my other meetings and then I'll listen to the call and then do 1.4.
And I will continue to keep you all posted as to the ETA for the IPC thing, which frankly is going to be very quantitative. There isn't a whole lot of qualitative there because I'm interested in making this just kind of fast and painless for everybody.

And I'm still waiting to hear from (LIPO), although Olof I guess is kind of -- I mean it's a letter to me, so technically I can release it, but I think it's probably appropriate that I continue to wait. Would you agree?

Olof: Yeah and I'm also waiting for some responses. So talking about the responses to Question 15 I believe where we have individual experts named.

Woman: Okay.

Olof: I've (worked) five responses so far, four in the positive and one in the negative. I'm waiting for I think some ten more, so that's one that will have to be included in Annex 2 as well.

Woman: Okay. All right, bye everyone.

(Margie): Yeah, I needed to jump off as well. This is (Margie).

Man: Okay.

(Margie): Thank you.

(Jeff): So should I submit my comments in writing then?

Olof: Could you bear with me if I make the next Version 1.4, because there are quite a few editions and such as a clean version and then start to mark up redline versions and clean versions following that?

(Mike): But (Jeff) if you have something substantive you want to talk about, we could do that now. We could go a little bit over; the call didn't start until quite late.

(Jeff): Yeah, I mean most of my comments on Section 3 kind of relate -- and I'm not sure how to address. But a lot of what we talk about in Section 3 is from the Outcomes Report and the problem is that the Outcomes Report is based on people's beliefs and not necessarily backed up by any facts.

Some of mine are pretty quick, some of my comments. Like in 3.2, you know, we should probably discuss the PIR proposal in a little bit more detail because it just says, "The registrar is showing a disproportionate number of deletes." I mean I think we should define exactly what PIR implemented; you know that it was in a 90% rule.

The reason I say that is because one of the alternatives is to reduce that percentage down and that may help the problem with tasting as well.

Olof: Right, right, right.

(Jeff): So if we could just go into a little bit more detail on PIR and what they did.

(Mike): I agree with that.

(Jeff): The next comment is I was just concerned in Section 4. The problem is that a number of the respondents were intellectual property rights owners on their beliefs on why registrars or registrants benefit from tasting, but it's not represented that way.

So in other words, it's one thing if registrars in their own words say why they benefit from the AGP, but it's another thing for IP owners and others to hypothesize on why they believe registrars benefit.

(Mike): Yes, but all we're trying to do is document that they did hypothesize that way.

Jothan: This is Jothan and I agree with (Jeff). It needs some context though because otherwise it could be construed a bunch of different ways.

(Mike): Wait. Where exactly are you (Jeff)?

(Jeff): Section 4.1, Page 8, the whole second paragraph that's got the list of comments stating, "Registrants benefit from blah, blah, blah," and, "Registrars benefit from..."

(Mike): All right, hold on. I mean you said, "Comments state that registrants benefit from, registrants benefit from." So I think you just need to emphasize that phrase, "Comments state that," meaning make that a new paragraph so it's (unintelligible).

- Olof: If I could elaborate to that, comments where all participants commented on the potential benefits for anybody. Something along those lines.
- (Jothan): Well, comments state to believe that...
- (Jeff): Something along the lines that the comments were not -- and Jothan I'm trying to come up with something here, right, because the way it's laid out it says, "Comments state that registrars benefit from blah, blah, blah, blah, blah."

There needs to be a note that says, "But these comments may not have come from the registrars themselves." So this is the perception...
- (Mike): "Comments from various respondents state that..."
- (Jeff): "Their perception is that..."
- Man: Yeah, you're really arguing that a comment from a registrar -- that this is beneficial to registrars is different from a comment from the IPC.
- (Jeff): Absolutely.
- Jothan: And that's true.
- Man: A comment about themselves is different from a comment that someone else thinks about someone else.
- (Jeff): Right, a comment from themselves is more beneficial than a comment of a perception. Not that the perception isn't important.

(Mike): Really (Jeff), I think, you know, it's this kind of (wood splitting) issue but I understand what you're saying and I agree with the changes appropriate here. So let's just say that, "Comments from various respondents state their perceptions that," and then you're fine, right.

Olof: Yeah.

Man: Jothan are you good with that?

Jothan: I think that would help clarify it and I appreciate the openness to the change, yeah.

(Mike): Okay, Olof has got that and you guys check it out (the next time). Any other sort of (substance) of issues?

(Jeff): Yeah, so I still have a problem and I'll submit more on the middle paragraph of, "139 out of 182 believe that the domain tasting impacts security and stability of the Internet," and I'll drop a note on that as to why.

Olof: Due to their own little definitions of security and stability in many cases which I tried to encapsulate in that they talk about the security of the end user, you know, on the application layer rather than what it usually means. And I can (unintelligible) infrastructure layer.

(Jeff): Right and the other thing, and this may be kind of a definitional issue, but it says even in that paragraph, "Through increased fishing and other abusive activities facilitated by domain tasting." It may be a word issue, but it's not really tasting that leads to fishing, it's the ability to have a free name during the AGP that leads to -- in other words, fishers don't taste. They don't taste the name; they abuse the name.

(Mike): Right.

Olof: You're perfectly correct. I mean where is that from?

(Jeff): That's in the same paragraph of 139.

(Mike): Right, but I think it is still correct to say -- I think this text is still correct.
"Fishing and other abusive activities facilitated by domain tasting."

(Jeff): No, I don't think that is correct. I think it increases...

Olof: I think it's facilitated by the AGP.

(Jeff): Yeah.

Jothan: Well especially in light of the report that came from (anti-fishing working) group that it was just a non-issue.

(Mike): All right, how about, "Facilitated by the AGP?" I'm good with that.

(Jeff): Yeah. Yeah, I'm okay with that statement, yes.

(Mike): Okay, good. No problem.

(Jeff): I'm jumping ahead to Page 10. The paragraph that starts out with, "110 out of 173." The last sentence -- it's not the last sentence, but it says something like, "Options B and C are noted for adding costs and administration for registrars while also being questioned by some as to whether B or C would sufficiently deter domain tasting."

The only people I've heard that question it are IP owners and I think that needs to be pointed out. The only people questioning whether B or C would deter, at least that I've ever seen, is an IP owner. And I think that needs to be pointed because registrars, registries, and a bunch of others believe that B or C would deter domain tasting.

Olof: I would put it otherwise. I mean by some, because there are some, and it's hard to cross-reference really but it could be done. But I perhaps should add that because I noticed that in the responses that B or C are also preferred above A by many of the registrars.

(Mike): Right and yeah (Jeff) I think this is right the way it is.

Olof: (Unintelligible) to really and believe to really deter sufficiently.

(Jeff): I don't know because the problem is that B or C -- I guess the PIR proposal actually implemented, and I can't remember if it's B or C, and according to data from PIR, it's eliminated it. So the fact that an IP owner questions whether it would deter domain tasting is kind of refuted by the actual fact that it happened.

(Alan): Well no, the PIR case is such a very specific and limited one that it deterred one or two specific people from doing it again.

(Mike): That's right.

(Alan): When dot com and dot nets still allowed it so I don't think the PIR experience really proves anything on the larger scale.

Man: But (Alan) the amount of domain tasting in dot org was reduced substantially from several hundred thousand domain names per period to next to nothing now.

(Alan): Yes, but I recall that (David) said that this was all coming from one or two registrars.

Jothan: Yeah, I don't want to put words into anybody's mouth and I apologize for interrupting, but you know that solution was not disruptive to the provisioning system and it's very noteworthy that intellectual property or even Internet users are not going to be concerned about what might break or change about the provisioning system or the protocol or the commands sent over the protocol.

Olof: Okay. No I think if this serves two-thirds as it is right now and it doesn't cover...

Jothan: Did you say, "Two turds?"

(Mike): Turds.

Olof: Two-thirds.

Jothan: Okay, it's clear.

Olof: Yeah, well maybe...

Man: This call may be going on too long.

(Jeff): Yeah, sorry.

(Mike): (Unintelligible) you and (Jeff).

(Jeff): Okay, then I'll jump to my next comment. On Page 11 there is a statement saying, "Additional comments are provided with some data, for example stating that '30 to 32 million names are being kited.'"

Olof: Yeah all were identified so this is -- well it's not well phrased.

(Jeff): Yeah, because I think the data that we showed from (BIZ) and org -- and I know VeriSign agreed with this although they didn't provide data. Much less than 1% of domain names registered and deleted during the AGP are kited.

Olof: Right.

(Jeff): So I don't like the word kiting in here because I think it's just completely misleading because I don't think that the facts show that there is actually really any substantial kiting going on.

(Mike): Right, but the comments stated that.

Olof: Yeah, well it's taken straight from one of the comments.

(Mike): Right. (Unintelligible) what the comments said.

Olof: But the comment is as such really awkwardly worded because that means...

(Jeff): Who is the comment from? I mean is it from an organization? Is it from just an individual?

Olof: It's from number 107 or something.

Man: This was a statistic that I highlighted to you, Olof last night that I thought was just a crazy figure that we needed some kind of clarification around it.

Olof: Well, what they actually mean is that they take the sum of those who are kited and those that have been tasted and registered, and that's how they come up with 32. If you read...

(Jeff): I guess my point is on what basis. Like do they have a...?

Olof: (Unintelligible) knows.

Man: Yeah, I questioned that number too.

(Jeff): I mean that's the problem. I don't know...

(Mike): You guys can question the numbers all you want, but that's not really the purpose of this exercise.

(Jeff): Then it shouldn't be in here as a factual statement of data. In other words, we should just eliminate, "Additional comments provided that," you know and summarize it rather than providing the number or any numbers at all.

Because it's not reliable and people will use it as some sort of factual statement and it could have been -- you know no offense to (Jeff Williams) on the (GA) list, but you know nobody knows if he actually exists and then he claims to represent 132,000 members of his fictitious group, right.

Jothan: And I've watched that grow by thousands over the years.

(Jeff): So the problem is you have someone making a statement that is now put into a main body of a report without any kind of fact checking.

(Mike): Okay, so on the (unintelligible) that number becomes...

Olof: You can change the verb as well to say, "Alleging that." But I mean this sort of thing is starting to include registered names in the figures as well.

(Jeff): But if they are not a registry or registrar, then what kind of credibility do they have as far as knowing these numbers.

Man: Actually, this number comes from MarkMonitor's brand jacking report. And it was quoted by (CADNA) I believe and that's where Olof got it, but...

Olof: Yeah, but I would like to anyway rephrase it in some way to make it clear that you are talking about the sum of those being kited, which may be a very small percentage of this. And those who are identified and subsequently registered, (unintelligible).

Man: Olof if it's the sum of two things, the lead one should not be the minority one if nothing else.

Jothan: Well I'd also comment and then, you know, I'd...

(Mike): Why don't we just use the exact phrasing from...?

Olof: That's what I do.

Jothan: Throughout the entirety of the MarkMonitor documents, the word kiting is pervasive. There is no use of the word tasting. This is something that I bring

up frequently is that it is an emotionally evocative term that paints a particular picture that, you know, I'm hoping they can statistically support with, you know, where the origins of that information is.

But then, you know, each interest that sees that as an opportunity takes the sound bite from each of the subsequent documents, so it's entirely -- you know it is alleging.

(Jeff): And the other thing is I love MarkMonitor, I love (Marge), I love working with her, but I've got to agree with (Jacque). I'm not questioning anyone's credibility, but MarkMonitor is a company that sells anti-fishing, anti-brand jacking intellectual property solutions. And you know, they do a great job at what they do, but I'm not going to go as far as to say it's a marketing document, but you know they make money off of that.

So I do agree with Jothan that that kind of stuff needs to be validated. And again, I'm not questioning the report; I'm just saying something -- or them. I'm just saying something that needs to be said.

(Mike): Okay (Jeff), I hear you.

(Jeff): Make that for the record. They have a great product and a great suite and anybody on this call should go out and buy them.

Jothan: Likewise. Let me (unintelligible) that. They are a great company.

(Mike): They've also done some, you know, pretty detailed factual analysis in those reports and we do need to cite to them.

Jothan: Well and it does show through the -- you know the anti-fishing working group report, clearly that is a quantitative study. The Brand Jacking Index is -- you know the word kiting is used throughout the document and it's emotionally evocative.

(Mike): Jothan I understand that.

Jothan: Yeah.

(Mike): You are free to comment on it in any other forum you want, but right now, that's not the purpose of this document. This document was to gather factual information and present it.

Jothan: Of course.

(Mike): Okay, so that's what we're doing.

(Jeff): So why couldn't we just say if MarkMonitor will allow it, "A comment from MarkMonitor states that," and just leave it like that so at least the source is being quoted.

(Mike): I'm fine with that. We'll have Olof go back and look at that comment again and try to be precise on it because we understand...

Olof: Try to source it, okay.

(Jeff): And the same thing I guess goes true for -- and my last comment really is on the next page where we go through individual comments.

If these guys have some sort of organization that they are with, it would really help. Because you know it says, you know, "(Gaza Mowhow) states that domain tasting is not practiced." If that person works for an organization, it would be great to put it in there.

Olof: Yeah, what I will do with those is route it to -- because the full statements are on the ICANN site. So I put links there because sometimes -- and it's their right as individuals and that's where...

(Mike): I think if they have identified their companies, that's probably where they put them. So if you could just maybe when you have a look through it again, just see if you've omitted any of the company names and include them.

(Jeff): Like if (Gaza Mowhow) works for (CCTLTD) that would...

Olof: Yeah, well at least he is somewhere, some (unintelligible), but it is not stated.

(Mike): Yeah.

Olof: So I mean I would rather (post) all of them and just make hyperlinks to their responses. Because when I do have, like in the case of (Douglas Opus), (unintelligible) Incorporated), well I put it there when they are responding on behalf of a company otherwise they are individuals.

(Mike): Right, okay.

Jothan: So in the case of like (David Taylor) from (Lovells), I mean he is identified. It says, "(Lovells, LLP)."

Olof: Yeah.

- (Mike): Okay, any other comments guys? Anything you want to talk about?
- (Jeff): We talked about the chart on Page 16. We're going to replace the volatility with fluctuation and 4.5, can we not use the word major (CCTLD)s because I think that's got a negative impact on other (CCTLD)s that weren't contacted.
- Olof: Right, well that was the intention from the very beginning to contact the ten biggest ones. But I mean...
- (Jeff): I mean you could say that, the largest, but major seems to have some sort of a negative -- nobody wants to look like a minor (CCTLD).
- Jothan: That's a good point.
- Olof: Let's put it like larger then. Do you think that's okay?
- Jothan: Well then, that's the same. Could you just say, "Contact the (CCTLD)?"
- Olof: Yeah or...
- Man: Olof that's actually what I did in the document that I sent to you that hasn't been sent to the full list, you know my summary of the (CCTLD) comments.
- Olof: Yeah, yeah, yeah, yeah. Well it's included in 1.4, that's going to be a part of that.
- Man: But the one I (unintelligible) last night.
- Man: Will this include the list of (CCTLD) (contacts) that identify who they are?

(Mike): Yes, that's in the (annex) as well.

(Jeff): And then my last -- really my last comment, 4.7 constituency input. Can we just change that to IPC input because I don't think any other constituency is going to be in there and it makes it look like the other constituencies just didn't have any...?

Olof: All right, I will delete that and put IPC survey or brand name holders.

(Mike): Right, that's fine.

(Jeff): This is a draft report and eventually all of the constituencies will weigh in and have their statement in here, right?

Olof: No.

(Jeff): No, okay.

Olof: I mean this is...

(Mike): No, that will happen in the PDP.

(Jeff): Correct. Okay, you are right.

(Mike): Okay. All right, anything else? I mean I don't want to cut you guys off while we're all here. Now is the time to get any other issues out there on the table.

Jothan: I just have a formatting change on the RFI responses.

(Mike): Okay.

Jothan: Olof is it possible to maybe center the column that the votes are in so that they don't blend together with the percentage statistic?

Olof: I don't know. I actually copied that one straight from -- I will do my best to center it.

(Mike): Are the numbers -- these numbers are...

Jothan: The numbers are right. What happens though is -- I mean if you jump ahead to page -- for me it's Page 29 on the RFI responses.

Man: Also Page 21.

Jothan: Okay, so Annex 2, if you just search for Annex 2.

(Mike): Right.

Jothan: What happens is for many people I've heard that it's hard to read because the number of votes column.

(Mike): I got it.

Jothan: Do you know what I mean? It's right aligned and it just squishes right up against the percentage.

(Mike): Got it. That's what I wasn't understanding either.

Jothan: That's some little thing but...

(Mike): Okay.

Jothan: But if you take and highlight the column. If you just center it and just go through for each of the questions, it's much clearer to read.

Olof: Yeah, I'll do my best.

Man: Or put an extra column between the two.

Olof: I will.

Man: Something to separate the percentages from the votes.

Olof: This is a picture from -- pretty much a screen picture, but I'll see if I can format it from the big (parcel).

Jothan: It's just cut and paste over from whatever...

(Mike): Right, but you can play with the formatting Olof.

Olof: Well, I haven't tried that on this particular piece.

Man: The defaults for HTML for tables are different from the defaults for Word and the spacing and the borders disappear.

Olof: Okay.

Jothan: You know by looking at it, you can't tell if it's two votes and 110%.

(Mike): Absolutely.

Jothan: Yeah.

(Mike): So we'll get it fixed on...

Man: One could guess none of the percents are higher than 100 though, but I don't think we're trying to make this a puzzle for the readers.

Jothan: Right, right.

Olof: Okay.

(Mike): All right, any other comments?

(Jeff): I just want to thank Olof, (Patrick), and (Mike) for putting this together.

(Mike): Absolutely. Olof did 98% of it, so thanks very much.

Jothan: Good work Olof.

Olof: Thank you for the kindly input and I'll do my best to get it out to you for breakfast for many of you.

(Mike): Great and then we're going to have to ask for final comments I think by Friday so that we can circulate a final draft report by Monday and finalize it on our call Wednesday.

Olof: Indeed.

Man: Yep.

Man: Okay.

Olof: Okay.

(Mike): All right, gentlemen.

Olof: Okay, I think I (unintelligible) this (unintelligible) writing to-do lists.

(Jeff): (Mike) do we want to put a statement in here about the lack of information from -- but in a nicer way, the lack of...

(Mike): Yeah, VeriSign? I was just thinking about that as well. I think we do need to put in that the group sought information from VeriSign and to date has not received a response.

(Jeff): Maybe with a list of the questions that we submitted to them.

(Mike): Yes.

(Jeff): And actually...

Olof: That's another Annex isn't it?

(Jeff): You have to be fair to their response.

(Mike): Well, to date we have none. Well, I talked to (Chuck), but he said another one was coming and I asked him, "Well (Chuck) is it coming? We've got to do the report," and he said he didn't know to just do the report. So I think we will just say that we've got no substantive response to date and leave it at that.

Olof: Okay and bring that into somewhere -- well about the initiatives we have taken on it.

(Mike): Right.

Olof: Similar to the (unintelligible) data study.

(Jeff): Yeah, but we also did not include any of the data from (BIZ) and (org) submitted on the amount of tasting and kiting. Do you remember those two charts I had submitted?

Olof: Wait a sec, wait a sec, wait a sec.

(Alan): It's (Alan) and I have to drop off.

(Mike): Okay, thank you (Alan).

(Alan): Bye-bye.

Jothan: Take care (Alan).

(Mike): Okay. I mean (Jeff) that's a good point, you know. We want to get everything in there that -- be as complete as possible.

Jothan: Olof I have to drop off but I'll talk to you a little later about how I can help.

Olof: Right, okay.

(Jeff): So there was an email on the July 26 called, "Actually Informal Statistics for (Dot Biz) on Tasting."

Olof: July 26, okay. I will track that down and...

(Jeff): And the (org) one was September 5.

Jothan: There you are.

Olof: Okay.

(Jeff): And I asked (affiliate) if they may still -- I will ping them again to see if they can provide a similar chart.

Olof: Okay, right.

Jothan: Okay I found your email. Yep, there it is.

(Jeff): Great.

Olof: Okay.

Jothan: All right, I'm good.

Olof: Full day tomorrow.

(Mike): Yeah, thanks Olof.

Olof: Okay.

(Mike): All right, thanks (Jeff). We will talk later.

(Jeff): Thanks. Yeah, that's right. All right, I'll talk to you later. Bye.

END