

Rosemary Sinclair:

Okay, well good morning, everybody. Welcome to our workshop, which we've got promoting competition, consumer trust and choice. And those are important words of course from the Affirmation of Commitments.

If we could review the agenda first, and that's the agenda for this meeting rather than the summary that's up on the screen at the moment. The way I thought we'd do this, and happy to take any comments, is to review the Brussels meeting, and what's on the screen now is my summary of that meeting. It's still being called "draft" so there's an opportunity for people who wish to make comments can do so before we finalize that at the outcome of that meeting.

The second thing is to have a look at the topics that we want to progress from that meeting, and at the end of that report I've summarized those. I'll come back to them. And again, they're simply my suggestion. If there are other topics that people want us to include or prefer then I'm absolutely fine about that.

Then we've had a development since our Brussels meeting, which is a very welcome development, and there have been discussions between members of ALAC and GNSO about the idea of a consumer constituency, and I was hoping that a couple of people might step forward to lead a little discussion about just where that's up to.

And then the fourth topic is about registrants' rights, and this will be a presentation on SSAC 44, now by Steve Sheng from staff rather than Rick. So thanks, Steve, for stepping in to do this. And secondly, then to talk about the aspirational registrants' rights ideas.

This could be a bit louder, thanks. I'll get a bit closer to the microphone. Sorry, I've just had an instruction from the back of the row to speak a bit louder, so hence all that scratching and noise.

And then the last item on the agenda is just to agree whatever next steps we might think are relevant post this meeting. So, oh hi, Konstantinos. Yes, it is still a bit echoey isn't it? Never mind. So with that I'll stop just to take comments on the agenda at this stage if there are any.

Okay. One little amendment that I have myself is that I asked Bruce Tonkin to join the meeting at some stage to talk about some questions he raised in a GNSO meeting about assessing consumer trust, consumer choice and competition in the context of the upcoming reviews of sections of the Affirmation of Commitments. So if and when Bruce is able to join us then we might just skip to that discussion, firstly so that we can really understand what Bruce is thinking so that we can then subsequently figure out if that's related to our agenda, and if it gives us an opportunity to do some work on that ahead of time.

Okay, so if we go now to reviewing the Brussels meeting, the document is up on the screen. And as I say, what I did with that is to summarize with Heidi's help, which is great. But this is my summary so errors and omissions are all mine in this document. So our workshop was in Brussels, and we were really starting this discussion so we were looking at the words "consumer," "agenda," "ICANN." We had a range of contributors and the contributions were really terrific, and gave us a very broad base I felt to then get into our own discussions.

I've broken the report into a few sections which I felt gave us a framework for our next work efforts. So we started with the concepts and can we scroll the screen to- Or do I do that? The second page down, oh anyway, move it on. So we've got concepts of public interest, consumer trust, consumer choice, and then of course many documents referring to registrants.

And one of the questions that I have in my own mind is, is it possible to get to some agreed understanding of what these concepts are so that they have meaning in particular contexts and decisions? I find myself tripping up and in the rest of this document there are places where I've used "consumer" and I now think it should be "registrant." So there's a kind of definition process I think we've got to do a little more work on.

Then we had quite an interesting period in the workshop looking at the experience in other organizations. We had some comments from, it was actually Frank March with his- Is it my computer

that's causing that sound? Yeah, I'll mute. Sorry, it's my computer, Konstantinos, that's causing part of the problem.

So Frank March with his InternetNZ hat on was speaking about the work that that organization has done, putting registrants at the center of their decision making process with a great focus on reliability and safety. We then were fortunate to have Taylor Reynolds from the OECD take us through some work on, and in their context it's consumer empowerment, and that work focuses on transparency, choice, and measures for redress for consumers. So those were topics that are of interest to us, even though their language is "consumer."

So I won't go through all of their good work. They have a consumer policy toolkit which seems to be quite a good guide for policymakers and others. It could perhaps be used at some stage as a benchmark in terms of ICANN's relationship to, and I'm not sure if I'm talking "consumers" or "registrants" at this point – that's the confusion that I keep coming back to.

Cheryl Langdon-Orr: "Internet users," perhaps.

Rosemary Sinclair: Maybe "internet users," yeah. Yeah, that's another one we need to throw in. So then there were other comments about the EU and ISPs in South Africa. A question was raised about whether other internet governance forums, and I don't mean the actually IGF – I mean the full range of actual internet governance bodies is probably a better word, so there's another amendment – perhaps

they are looking at this type of topic. And then ISOC's work on the Sphere Project was also discussed. So in that stage of the workshop we were looking at what other people were doing, trying to just understand other experiences.

Then we went on to a session where we just looked at ICANN topics and perspectives, and I've just included a range of different comments in this section. And I won't go through all of those, but I think recording this is important to back up whatever steps we take next. But at the end of that section there are three paragraphs which I think are important to, and remember, these are a report from our June meeting. But there's a paragraph that talks about the registrar's accreditation agreement, and again, I've put as a place for embedding "consumer" and I probably mean "registrants'" rights. And then we had the reference, even in that early stage, to the aspirational charter. So today I think we can talk about a bit of progress on those two items.

And then we had discussions about a couple of the paragraphs in the Affirmation of Commitments, and it was these paragraphs that Bruce Tonkin was referring to I think with his questions about if you want to promote competition, consumer trust and consumer choice, how do you know that you've done that? What is it that you measure to determine whether you actually have been promoting those things? So the idea I think is to develop some sort of measures of those concepts so that progress can be tracked from one period to another.

And then 9.3.1 is related to the review of WHOIS policy, and there was discussion in our Brussels meeting about the difficulty of the WHOIS issue with very diverse use within what I've called the consumer community. Sorry, probably should be called non-commercial stakeholder and ALAC.

So out of that, and these suggested next steps are my own – and as I say, I'm absolutely happy for people to discuss, reject, substitute. My only intention with this was to identify a framework for work which would take our work forward. So when I looked at all of that I thought we need to do a bit more work clarifying concepts. We need to do a bit more work collecting experience, but this time I'm thinking that there may well be some members of our community in ICANN that have what they feel are good approaches to these issues so we could bring that forward. And then there is the consumer constituency proposal to discuss, and I'm probably now talking about the registrants' rights charters rather than the consumer rights charter.

So that's the summary of the Brussels meeting. I wonder if there's anyone who wants to make any comment about that report or ideas, just general discussion.

Beau Brendler:

My question has to deal with I guess the strategic intents of what we're doing here this morning, and by that I mean what I see up here on the board is good, sort of like baseline material that might be helpful for educating people and bringing them into the mix of being interested in consumer issues in ICANN. But in terms of

---

actual practicality this stuff is all about two or three years behind what a lot of us are actually already doing.

And I think that that is sort of the substance of the exchange between Alex Gakuru and the consumer constituency or between me, is that I would sort of like to know where this is going. It's not going in a separate direction from consumer work, but it's sort of like way behind it if you understand what I mean.

Rosemary Sinclair:

And I just have to say that was a comment by Beau Brendler. I'm still on my training wheels in terms of running this meeting, so I should have asked Beau to introduce himself. So thanks for that comment, Beau. Could we come back to the discussion of that and take Bruce's comment?

Bruce Tonkin:

That's right. I thought that you were talking my comment in the past as opposed to the present. I think it's interesting that you say well advanced on some of these topics, but there are problems at ICANN I think in definitions of terms. I think there's some value in clearly defining what we mean by some terms, like "consumers," "users," and "registrants."

But conceptually the way I look at it is in the GNSO I'm often thinking that many of the parties in the GNSO are essentially representing registrants, so they're people that actually register and manage a domain name. Pretty much everybody in that community does. And then the external user population is, the

way I describe it is users of domain names, just to sort of add that “of domain names” because that narrows it a little bit more.

And users of domain names use domain names today typically in two ways: they use it as an identifier to reach a website, or they use it as a way of addressing an email. Those are probably the two things. And I think if we can have some more focused activities where a lot of the discussions I see ALAC and others get involved in is starting to get into some of the registration rules of domain names and I- This is only a personal view, that to me is something that those discussions should be happening within the GNSO. Those are the registration rules, the transfer rules – they’re really rules for people that hold domain names.

But what we’re not really clearly communicating and getting clear feedback on is the perspective of somebody that doesn’t own a domain name at all. That’s your mom, that’s your dad, it’s your children – they don’t own domain names but they use them. And so what are the issues for them and how are we getting that advice? I don’t think we’re getting that advice on that, certainly not on the Board I don’t think we are.

So the reason I raised the topic around the strategic objectives of ICANN as a whole organization – so not GNSO or ASO or anyone else – is the organization is saying strategically we’re trying to improve competition, consumer choice and consumer trust. How do we measure consumer trust? It has to be measured in some way that’s meaningful to users. And how do we measure consumer

choice? Again, mostly- Well, that's probably got a little bit more to do with the GNSO in terms of registrants, because presumably they're making a choice as to which domain names they want to register.

But consumer trust certainly is probably one of the most important things, and I think we really have a handle on how we're measuring it, what are we doing about it. So depending on which group I'm talking to, and I'm not absolutely clear on the formation of this group at this room at the moment – maybe Cheryl and Rosemary can explain is this meant to be a cross constituency group or whatever. But in any of these things we need to be clearly defining how we're going to be measuring them and what our targets are, and that should be guiding where we put our resources.

Cheryl Langdon-Orr:

Just while Rosemary gets her thoughts in order, Cheryl Langdon-Orr here. Bruce, just to respond to your latter issue of exactly who the hell are you talking to in this space, what you have are people who have gathered together with consumer interests in their priority list. So you have proposed constituencies of the GNSO. You've got people here from the proposed consumer constituency, you've got people here from the Non-Commercial Stakeholder Group of the GNSO. You've got people here from At-Large and the ALAC who are already contributing to GNSO PDP processes in the space it's meant to happen.

And of course from an ALAC perspective, one of our recommendations from our review is recommendation 13, which states that we need, ALAC needs to ensure a consumer – we will now be thinking of domain name user, right – voice into GNSO activities and ICANN. So you’ve got a little bit of a mixed group.

So I guess you’d call it cross-constituency, but it’s focused very much in the actions of one of the main SO’s, although from that last one the ALAC may indeed need to go play in the CC space as well.

Bruce Tonkin:

This is what in ITF terms you would call a “birds of a feather” session; in other words it’s a group of individual people, it hasn’t actually been institutionalized in the sense of- Maybe that’s what Beau’s question was, but are you heading more towards a policy development effort in the GNSO? Are you heading towards advice from ALAC? So at the moment it’s what I’d call a birds of a feather, but at some stage you’ve got to institutionalize it. That would be the next step, to say “Hey, how do we take these ideas and what’s the right forum to be working on them in an institutional sense?”

Rosemary Sinclair:

Can I just follow that for a little minute, because I think to me that takes us back to Beau’s comment about some of us being a couple of years behind others of us, and I absolutely accept that comment. But it seems to me that we need perhaps to be operating at a couple of different levels. One is about institutionalizing this voice in policy decisions throughout ICANN, not just in Non-Commercial

Stakeholders Group and GNSO but actually throughout ICANN. That's when I'm thinking about "public interest," because that's not a term I think we should lose.

And then within parts of ICANN we've got a consumer constituency within GNSO, and then we've got ALAC with a very sharp focus on the interests of domain name users. So do you want to just come back to me on that, Bruce? And then it seems to me looking at faces around the room that we've got people from other parts of ICANN than just Non-Commercial Stakeholders Group and ALAC. And I wonder if I could ask those folks to just give us ten words explaining your interest in just being here, because I think that could contribute to our discussion.

And then I'm very aware that we've got a very lively chat going on with Konstantinos and GPM group, and I'm not sure- At the moment I'm looking to Heidi to see how we could include those comments in our discussion. So if I could- Well, perhaps we'll hear from Heidi about that first because I've been looking at that chat and seeing activity on it.

Heidi Ullrich:

Yeah, thank you, Rosemary. If you'd like to just read those for the record and engage them, that's how this usually works.

Rosemary Sinclair:

Perhaps if I go, I'll do Konstantinos first and I'll have to read from my own screen because it's chopped off on the main screen. So Konstantinos' last comment: "Consumers should encompass a wider range than registrants. Internet users who are using domain

names to access the internet...” Trying to keep up here. I’m sure it’s not you, Konstantinos, but it’s technical support that’s just checking that I’m awake.

“Internet users are using domain names to access the internet and although registrants are more directly affected, users should also be protected. This is a critical discussion that we need to have and I’m glad it’s being raised.”

So then if I just go up to GPM group, just to give you a flavor of different sorts of comments. The first one: “For example, the pain for new gTLDs is unlikely to create competition at the registry services level. Running a registry is a complex task and will almost certainly be outsourced to existing players.”

And those are very valuable comments because they remind us that there are others than the birds of a feather for whom these discussions will have impact. So now, if I haven’t completely confused you, Bruce, I wanted to go back I think to the comment about institutionalizing what we’re doing. I just wondered if you had further thoughts or ideas that we could think about, taking I think-

Where I left the point is I think there are kind of two strings of working: one is within GNSO and ALAC, forming constituencies and making sure the voice is developed and heard; but then overarching, it seems to me that there’s a body of work for big

---

ICANN to use both words, to kind of catch up, which I think is what you were saying.

Bruce Tonkin:

I guess where I'm personally heading, and hopefully we'll have a Board resolution by the end of the week, but what I'm contemplating doing is having the Board request the GNSO and ALAC to provide advice on appropriate measures under these general topics of competition, consumer choice and consumer trust, because I think that might then focus an activity.

Now whether those groups decide to meet together in a room or not I don't really care, but I think they're different perspectives. I think we need advice from ALAC, which I think needs to be focusing on the user; and then a focus from the GNSO, which could be focused on that registrants have a choice in what domain names they choose to register, and they feel that there's competition there to make sure that they're getting the best possible services really in that industry.

Consumer choice can still be slightly differently, because I guess consumer choice isn't a choice about which name they register in but perhaps it's a choice in how they navigate the internet. And that's a useful topic in its own right. I mean one choice is you only use search engines. Another choice is you try and use names and the significance of names to find content, and we know many users do that. So there are really two different ways of using names.

And getting a little bit of that perspective and then try to measure what users consider to be choice I think is useful. So my intent is to ask those two institutions, the ALAC institution and the GNSO institution to come back with advice to the Board on appropriate measures that ultimately should then form part of the ICANN strategic plan. And then the operating plan then becomes “What are we doing about those things next year?”

Rosemary Sinclair:

Beau?

Beau Brendler:

I wanted to say that it’s a delight to hear Bruce’s concern that the term “users” be extended to mean something more than registrants. When I first started working within ICANN three years ago there was no, no one wanted to go beyond that word “registrants,” whereas pretty much everything we’ve been trying to do does go beyond that. And I’m delighted to see Konstantinos echoing that.

But what I really wanted to mention about the comment about institutionalization is I think there’s an elephant in the room here, and that is two years ago the Board invited the formation of constituencies, invited people to petition to form constituencies. The Board has been incommunicado on the topic for two years, and in the course of that that’s created a lot of unnecessary tension and rifts between the people who are going to make up the consumer constituency and the NCSG and all of that.

So the institutionalization part is underway but the Board is not providing any leadership on it, and we need that leadership right

---

now; otherwise the people who are involved in trying to put that stuff together are going to lose passion and drift away. And it will be the Board's fault.

Rosemary Sinclair:

Avri, I wonder if I can ask you to just make a comment on that issue that Beau has raised from the point of the Non-Commercial Stakeholder Group charter and constituency process there?

Avri Doria:

Well I mean I'm certainly hoping, I'm certainly working with the Board's committee on getting to a point in the real near future, hopefully before San Francisco where both our charter and the approval for two new constituencies can all happen at the same time and we can be done with the exercise of trying to form constituencies. And I think we're doing a lot of work behind the scenes and in talking to whoever to get to that point.

And I believe, and truth in advertising – I have believed before – that we are really close to it at this point. And I believe that we've got a level of agreement between all the parties at the sort of between-ourselves point that as long as no road blocks get stuck in our way we'll be there hopefully before San Francisco and we can have a great old party with it.

Rosemary Sinclair:

That's good. Beau's got a quick follow-up and then I've got a comment from down the table.

Beau Brendler: One thing I also think we should try to get a little bit of insight here is also there's now a nonprofit constituency petition? So how, I mean-

Avri Doria: I don't know if others want to speak for it. I could certainly from the NCSG give a quick-

Beau Brendler: Yeah, that'd be great because that seems like sort of a melting pot of all these different things.

Avri Doria: And nonprofit is certainly in its name, but that constituency in formation – which is the terminology I'm using for both of the constituencies – is basically nonprofit operational concerns. So basically it's organizational, nonprofit organizations who are concerned about how the DNS is operating, about how WHOIS is operating. So it's specifically those issues, whereas the non-commercial users constituency has largely focused on the issues of the freedoms of expression and the human rights, and other issues, but has not taken that organizational approach to “What is the DNS doing to either support or hinder my operations as a nonprofit organization?” And I don't know if there's anybody here from that constituency in formation that can say whether I got it right or not, but that's my understanding.

Rosemary Sinclair: Is yours a follow-up on this or is it taking us to a new topic?

Evan Leibovitch: Actually it's a follow-up to Bruce.

Rosemary Sinclair: Okay, then I'll come back down the table. Okay, can you just introduce yourself? I haven't been very good on that.

Evan Leibovitch: Sorry, my name is Evan Leibovitch. I'm currently Chair of the North American Region of At-Large, and I wanted to follow up on something you were saying, Bruce, before. And that is I sort of share your concerns and confusions about the place. There's so many different components of ICANN that sort of have a piece of this. At-Large was constituted to represent the end users of the internet. You have parts of GNSO that are supposed to represent the bottom of the food chain as well as the top.

I wanted to ask what you thought, and if you could give me some kind of sense at the Board, what the level of satisfaction is of the current joint working groups that have been created on applicant support as well as contentious issues like morality and public order. Where I'm going with this is, at least in my experience, these have been very successful. They've handled contentious issues with a remarkable level of consensus.

And perhaps the idea of trying to do something like that at this level in chartering an organization, almost a standing group that has consumer rights as its mandate; to go into the existing components that are already within ICANN as well as the new constituencies that are forming and try and get some common ground on some of these issues. The registrant rights thing is now in the Strategic Plan so we can see that there's a defined need for

these. I'm just wondering if this new precedent of the cross-community working group is something that may be appropriate.

Bruce Tonkin:

I certainly think the Board's perspective on that cross-community working group and Recommendation 6 in particular was a very useful exercise because it's gaining a number of perspectives I guess that hadn't really been able to get a shared view on things. You had representatives from the Government Advisory Committee, from ALAC and from the GNSO. So I think that's a useful working method.

I do still think that you need to be able to get the- This is where I'm talking about the institutionalizing, is you might have a group which is sort of the sharing of ideas, but ultimately we probably still need the GAC to say what the GAC thinks and ALAC to say what ALAC thinks, and GNSO to say what GNSO thinks. And one of the things I noticed in the meeting yesterday afternoon, there was kind of confusion at times sometimes when someone was speaking on behalf of themselves versus on behalf of their organization.

And in a session on Monday, Frank March from New Zealand was very keen to point out that anything he says wasn't on behalf of the GAC. And I'm not even sure whether he was prepared to say it was on behalf of New Zealand, but he was basically giving a perspective that allowed a much better understanding of the different groups that they could then take back into their organization and produce statements.

So I'm not sure that the working group is the end result. I think the working group is a forum where people can understand each other's perspectives, but the Board ultimately, probably in the longer term, still needs to get those inputs from its institutions.

Rosemary Sinclair:

Thanks, Bruce. Now I'm going to take a comment from Steve in our group, and then there's been so much chat in Adobe that I'll go there and just take a couple of comments from there just to give everybody a feel. Then I think we need to go to the SSAC 044 presentation from Steve Sheng.

Steve DelBianco:

Thank you, Rosemary. Steve DelBianco. I'm Director of NetChoice, a coalition that looks to consumer protection, consumer choice and convenience for ecommerce and online services; and also the Vice Chair for Policy in the Business Constituency. I applaud the work of the group, however I fear that there's an emphasis here on creating new entities as opposed to creating new ethics.

When you talked about the word institutionalized, immediately people are speaking about creating groups, constituencies, stakeholder groups as if that were what institutionalized means. Now sometimes that's institutionalizing, I understand that, but another way to institutionalize is to define and measure consumer trust and confidence and public interest values in all of the entities and organizations that work at ICANN. It's baked into the constitution as it were; it's in the Affirmation of Commitments.

Since it's in the Affirmation of Commitments it's a mandate on all of ICANN's entities. It's not a mandate to create a new entity in ICANN – it's a mandate for all of ICANN's entities to follow it. So the biggest value we can provide is to define consumer trust and confidence and public interest, get the community to accept our definitions. What do you do after you define something? You set up measurements, and if you set up measurements and definitions – right, Bruce – what do you do next? You set goals for how those measurements have to be met. We'll call those metrics.

And when you have definitions, metrics and measurements, guess what you do? You have accountability because you can hold the entities and ICANN in general to doing better at consumer trust and confidence.

And my only other point is that so much of this discussion about “Do users count?” and “Why are we focusing on registrants?” – think about it. More of what ICANN does is with respect to the resolution of domain names than the registration. Everyone here, we show up at all the ICANN meetings because we're into registrants and registrations, and people that run that side. But remember that every time a domain name is resolved, that resolution is under ICANN's remit.

So if registrations and resolutions are the things ICANN does, how can we wrap definitions around whether ICANN's doing a good job on consumer trust and confidence on that? And I'll propose a

two-word definition: availability and integrity. The availability of registrations and resolutions, I'll start with that – the availability of internet resolutions and registrations means 24/7/365 in any script or language about being able, for instance, to access domain names.

So it's the availability of registrations that drives us to want to see better new TLDs, especially IDN/TLDs – it drives us in that direction. Availability is around the world in regions that aren't served, so it's got a geographical, a linguistic, and a time entity. That's availability.

How about integrity? Integrity is when a registration is done that the person doesn't lie about who they are, they don't squat on someone else's rights to confuse consumers. So that's integrity in a registration, but there's integrity in resolutions, too. When I do a resolution in a phishing attack or a pharming or a man in the middle – all of those are violating the integrity of the resolution and it's the reason we have DNS CERT.

So, so much of what we do is about the availability and integrity of registrations and resolutions that I would invite us to start to attach definitions that'll effect the DNA of ICANN, not just creating new entities. Thank you.

Rosemary Sinclair:

I'm going to just take a couple of comments from the chat room, because people are very energetically contributing to our debate

when they're not even here. And then I'm going to go to Avri and Beau, and then we're going to do the SSAC presentation.

So if I just start with one from Konstantinos. He says "So how can we ensure this?" I'll just keep going: "By making it a consumer choice issue to make such determinations based on their needs and wishes? No consumer wishes to see dot search resting with Microsoft."

GPM Group comes back: "It's crazy how ICANN can be saying they have a final Guidebook when such issues have not been considered by the community. These problems are likely to be replicated in every vertical market in the world. I really fail to see how granting the most economically-advantaged private corporations such an implicit DNS branding advantage can ever be in the public interest. I can see the contracted parties' interest and I can see ICANN's interest, but where is the public interest required under the AoC?"

And then we've had some nice feedback: "Well said, Steve. This is the best approach and concept I have heard regarding consumer trust and confidence related to ICANN." And Konstantinos, can I say you said "Hurray!" Konstantinos? Is that okay as a translation?

Okay, so now we go to Avri?

Avri Doria:

Thank you. I just wanted to make a comment to Bruce's discussion on what can be done with the work that comes out of what we're calling cross-community working groups this week. Basically I think it's a range of effect from interesting information – in other words, if just a group sort of forms in an ad hoc manner and it's cross-community, and they write up a thing and they send it to the Board and to the world, it's good information like anything.

On the other end of the scale there's if the organizations that are involved in it have gone through a chartering process, have managed the work and at the end of it have received a report from it and endorsed it, then it is advice from whatever degree the chartering organization does. So if it's an AC that gives advice it's advice; if it's an SO that gives recommendations it's recommendations. If it's approved by both of them it's both advice and recommendation and so on, to perhaps lots of degrees in between of “You got chartered but you never got approved,” “You got approved at the end but it wasn't formally chartered,” looking at things in different ways.

But the two extremes are it's good information, you know, it's perhaps clarifying to the community or it's capacity raising to the community, as people have talked about in terms of consumer issues. There's definitely a need for capacity increase. Or it's formal recommendations and advice, perhaps both together. Thanks.

Rosemary Sinclair:

Beau, did you have your hand up?

Beau Brendler:

My comment is not really a rejoinder I guess to Steve, but I am a little bit concerned with the sort of business school approach of gathering data and metrics and set goals and this, that, and the other thing; the reason being is that most of the people who are involved in the consumer movement as it were within ICANN are volunteers without resources. We're not lobbying organizations.

But the other issue that I think needs to be looked at very carefully is that there are metrics of consumer trust that already exist. If we go ahead and look at some of the enforcement data, if we go ahead and analyze some of that and complaints from the public, and also these reports that come out frequently from security companies that name the top ten most dangerous domain sectors; or perhaps some of the work that's been done in analyzing the ccNSO area.

We have plenty of metrics already in existence and you know, anyone who wants to have a discussion about that, there's a lot of work going on in At-Large there and we're happy to give you plenty of metrics and goal setting material if you're looking for that.

Beau Brendler:

Beau, if I could respond to that. There's no call here for a new constituency to do the work of the measuring. To your point exactly, the metrics can be designed and it would be ICANN who is accountable to measure- We would set the goals. Look at Bruce, the Board member beside you nodding – this is one of his

key issues and quests on the Board, is to get some metrics defined and adopted. And it is ICANN, Beau, who would measure the performance against those metrics, it is the community that would set goals for improvement in those metrics – improving consumer confidence by two percentage points in global surveys that are conducted by organizations that Beau and others would recommend.

So it is staff who would then do the metrics, do the measuring once we have defined what it is and how they have to improve it. And now it dovetails perfectly into the Affirmation of Commitments and the reviews because now the reviews will have something to measure. And it would not just be a new consumer group, it wouldn't just be GNSO – it is organization-wide if we bake it into the constitution of ICANN.

Beau Brendler:

Well, if you put it that way you know, great.

Bruce Tonkin:

Yeah, just let me add to that slightly, in that under the Affirmation of Commitments we actually are required to do a review of competition, consumer trust and consumer choice. My fear is the way we're doing the reviews is basically collecting a bunch of opinions because we don't have any measures or even any strategy in that area, and so opinions are going to be very diverse.

Some people might say “We've got heaps of consumer choice. Stop doing anything, disband ICANN – we're there.” Others might say “Hey, we need to introduce new gTLDs.” There's such

---

a diversity there. So unless we've already got measures to review ourselves against I can't see how the reviews are going to be useful other than a bunch of opinions.

Rosemary Sinclair:

Thanks for that. Now I think we need to just take a break and go to the presentation that Steve Sheng is going to give us on the, what I've learned to call the SSAC 044 report, which means that I'm deeply more knowledgeable than I was when I started this week. So over to you, Steve.

Steve Sheng:

Thank you. Next slide please. So what is SSAC 044? So SSAC is the Security & Stability Advisory Committee within ICANN. So SSAC 044 is essentially a guide for registrants. I want to highlight here the definition of registrants in SSAC 044 is mostly individuals and organizations who are registering domains.

So SSAC 044 identifies tools that registrants can take to protect themselves. I mean these are not obligations on the part of registrars or registries to implement, but it does call attention to a set of questions registrants can ask when he or she is registering a domain name to make an informed choice. I think members of the ALAC may be familiar with SSAC 040. SSAC 040 identifies practices that registrars can take to protect their customers, so it's more registrar-centric. But SSAC 044 is more towards the registrants.

So there are essentially three sections in SSAC 044. It first of all gives an overview, kind of a taxonomy of what are the threats in

terms of registrants when it comes to the domain names management and registration process; and second, it lists a set of best practices for the registrants and what they can do to follow. And it also has a section of a list of questions that registrants can ask when they're registering domain names and managing their services.

Next slide. So why is it important? So over the years, from the perspective of the technical community, the registrants are many times unfamiliar or they do not take advantage of the available measures to protect their domains in various instances that are documented for example in SSAC 007 and SSAC 040. So they don't realize or are unfamiliar with these measures until after the fact of their domain name's been compromised or harm's been done.

And secondly why it's important, I think for registrants to have a better understanding of the protection measures also promotes a consumer choice. I think one of the key words for this session is "consumer choice." For consumers to have a choice they also need to be better informed, and that's what this is trying to get.

Next slide. So there's actually a session this week or the SSAC 044 is available online, and there's also a registrant protection session in the DNS abuse forum tomorrow at 11:00 to 12:00, so that should be PM instead of AM.

Next slide, yep. So I want to also highlight that SSAC has been working- In the past SSAC has been issued many reports, I think five or six reports on registrant protection. So these are also resources for registrants. So that's my kind of quick overview. Thanks.

Rosemary Sinclair:

Thanks for that, Steve. Are there any questions or comments on this presentation? Thank you very much. Just a lot of information for us to be aware about I think when we're thinking through our next steps.

Under the proposed agenda the next topic was aspirational registrants' rights, and at this stage I'm really looking for someone to hit their microphone and give us a little update or an overview about this topic. It came up in discussions during the week but I am certainly not the person to explain to all of us this work. I wonder if someone could do that.

Cheryl Langdon-Orr:

Beau, I would suggest that the workspace on aspirational rights is something that the work team that you chaired has relevance to.

Beau Brendler:

This is, excuse me, this slide that you're looking at here is the result of a working group that happened over the past six, seven months or so that was intended to basically- I think the most important thing that it did overall was put the RAA or parts of the RAA into language that people could understand and also translate, and had it translated. But in the course of doing that it became

obvious to some of us involved in the work that the current amendments to the RAA that's going in place didn't go far enough.

So it was decided within the context of that working group that that was kind of an out-of-scope discussion, so what we decided to do was to create this list of aspirational – and I don't particularly like that word “aspirational.” I mean registrant rights are registrant rights and they should be established if they're for real and if they're good, as opposed to being some sort of wish list. But anyway, the name that's been attached to them is aspirational registrant rights.

And these are relatively unspecific items but they represent what the user community wants to see reflected in future iterations of the RAA. What is missing-

[background conversation]

Beau Brendler:

Danger Will Robinson. What is missing from this work at the moment is a form of next steps or a form of process. We have these aspirational rights here; we need to hear from more people in the community as to what else they would like to see or what specificity there should be in future amendments or future changes to the RAA.

And then we need some sort of ICANN-guided or –approved process to make them become more than just a list of aspirational rights. In other words, there does not appear to be an

organizational mechanism yet to have these evaluated and plugged into the next iteration of the RAA.

So I should also say that in addition to aspirational registrant rights here there is also a desire among a number of people who are in the consumer movement or whatever you want to call it within the ICANN community to create a Bill of Consumer Rights that don't just simply apply to the RAA but apply to issues outside it that are based on user concerns. I think most of use the words "consumer" and "user" interchangeably, meaning regular human being who doesn't necessarily register a domain name.

So that's the current state of this. The work of making changes to the RAA is more or less done and there's a final report out that Margie Milam can guide you through if you want to see it. But we need to build on these and we need to develop a system to make them reality.

Rosemary Sinclair:

We're going to have to move very quickly because our session actually finished at 9:30. I'll just read one more comment from the chat. We'll take a quick contribution if we can from Evan, and then I want everybody else to figure out what we do next with this group. And it seems to me, given the pressure of time that's something we're going to have to do between meetings.

So the comment I want to include is from- Oops! Skippy. The chat room moved on me again and it's so early in the morning: "I'd also like to see registrant responsibilities and accountabilities

included in this activity,” and that got an “Oh yeah!” from Skippy, or from Cheryl. Sorry.

Cheryl Langdon-Orr: Darling, you promised not to share that little private name we call each other.

Rosemary Sinclair: That little private moment. Evan.

Evan Leibovitch: I just wanted to speak to those quick bullet points that were put up a moment ago. They were done in haste, they were done in about ten minutes and as a response to the people in the RAA meeting saying “So give us an example of exactly what you mean by these rights that you’re talking about.” And so they were put up. Please, if you go back to those bullet points, please consider they are absolutely not exclusive. They certainly did not intend that there would not be issues of registrant responsibilities as well.

They were meant to be a placeholder. We’re totally aware of the fact that there’s been lots of work done by internet governance people on what rights should be within the internet, and so please don’t take those bullet points as an indication of anything but a placeholder of what we knew was something that had to come from a much larger conversation.

Rosemary Sinclair: Thanks, Evan. So that’s the beginning of the work.

Cheryl Langdon-Orr: Barely.

Rosemary Sinclair:

Barely. Okay, now we need to finish our session, and I know we've got many more comments in the chat room, so thank you to the people who have come into our conversation that way. They've been very energetic contributions.

My feeling at the moment, and I just want to put this out there so that I can encourage everybody to come back to me – the two big issues that I think this group could work on are the idea of the indicators, metrics, that kind of idea, including the fact that there are many existing sources of data, so we don't have to reinvent the wheel here but that notion of the indicators and the measurements; and then secondly the important idea of institutionalizing this conversation, and I'm using deliberately these wide terms, in ICANN.

So I know we've got work going on in ALAC and I don't think anybody wants to do anything other than contribute to that work. We've got work going on within consumer constituency proposal and Non-Commercial Stakeholders, and again, I'm sure we just want to contribute to that work. But over the top of all of that is this important piece about institutionalizing this agenda in ICANN.

So for me those are the two things that have come out of the discussion today for us to think about as we head towards our March meeting. If people would like to contribute further to that then that would be great, and again, I'll come up with a summary of these discussions but they'll only be a draft. People can make their comments and we'll go forward. I really believe that now.

So I'm a bit like Avri – I believe things and then I believe I believe things.

So I just want to finish I think by thanking everybody for coming and contributing, and to staff and others for supporting the meeting. And I'm handing this microphone to Cheryl.

Cheryl Langdon-Orr:

...whose poking her finger in Rosemary's nose, going "I want to say something, Rosemary, do not- You call me Skippy, honey, you can give me the mic." Okay.

I'd just like to have an action item out of things. We've gathered together really in an increasing number of different views and minds, and this needs to continue. If it's possible to create a communications and mailing list opportunity from people who are not currently involved in the consumer interest commons we do have- There we go, it's up onscreen. There is unfortunately on the dreaded "social" text but never mind. On the consumer commons, that's a place in space that we get to play in the sandpit for.

There's undoubtedly a better, which would be the Confluence version of it, and perhaps we can make sure that that's distributed out into interested parties, through Non-Commercial Stakeholders Group to GNSO-interested parties, and certainly the ALAC can play in there along with the ALS's. It's just we need a sandpit, Rosemary. There's one built; we might as well exploit it.

Rosemary Sinclair: Thanks for that, Cheryl. Alright, I think our meeting needs to conclude. Thank you very much, everybody.

[background conversation]

Cheryl Langdon-Orr: That is easy to fix. Well, have you not, seriously have you not got access to that in the Confluence space? No, no – well, it takes nothing to- Well because we've finished beta testing it takes nothing to add anyone to edit, so we'll make sure that happens. And we'll give whoever, like you, someone to be able to add your own people. That's a to-be-done.

[End of Transcript]