MARRAKECH – New gTLD Program Reviews and Related Activities
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KAREN LENTZ: Hello everyone. We'll get started in about one minute. Thanks.

Good afternoon everybody. Welcome to the new gTLD Program Reviews and Related Activities session. My name is Karen Lentz. I'm the Director of Operations and Policy Research at ICANN, and I have also a few others who will be discussing these topics with me today. On my right is Jonathan Zuck who is Chair of the Competition Consumer Trust and Consumer Choice Review Team. Next to him is Jeff Neuman, who's one of three co-Chairs of the GNSO's PDP Working Group on new gTLD subsequent procedures. We're going to get you a business card that says that. On my left is Benno Overeinder from NLnet Labs. Benno is part of the study team working on the Continuous Data-driven Analysis of Root Server System Stability, and he'll be giving an update on that.

So this session is a little different from the past few that we've done. Our work up to this time has been a lot about collecting data, about metrics, about doing studies and surveys. We're at an interesting point now in that we now have stakeholders looking at the data and starting to engage in the analysis,

looking at the experiences and the information we have and trying to distill what it tells us and begin to generate some insights and conclusions and recommendations. So we have that underway.

Our goal here is to provide an update so that all of you are educated on where all of these reviews are currently, what the timeline and milestones are, and importantly, what the different roles are of all of the groups that are involved. That's one of the common questions that we get is, "I don't understand what the difference is between this and this, and how can I participate here, or where should I go?" So we will go through those topics as well as have some time for questions and feedback from any of you.

So just to roll through the agenda: The key points that we'll touch on will be the CCT Review, the Trademark Clearinghouse Independent Review. We will have someone from that Review Team here at the meeting this week. He's not yet here in Marrakech, however, so I will talk about that. Benno will describe the root stability work and Jeff will talk about the PDP, and then I will pose some questions to everybody and we'll get the discussion going.

Jonathan, can I turn it over to you to start on the CCT Review?

JONATHAN ZUCK: Sure. Thanks, Karen. And thanks everyone for coming to the session. There's a lot of competing sessions, so thank you for coming to ours. So, as you see on the slide, it was part of the Affirmation of Commitments requirements that we have a periodic review of the new gTLD program to see whether or not it enhanced consumer trust and consumer choice, as well as overall competition in the DNS market. And so those were the questions we were asked. There's also a portion of our review devoted to the application process and the evaluation process, and how that went as well, and the safeguards that were put in place to prevent some of the challenges and pitfalls of that process. We're a unique review in that, as Karen mentioned, we've actually spent the last five years discussing and collecting data that we might use to help make a more objective analysis of these. So it's certainly the mandate of our group to try and define the challenges that we find in a measurable way, to make it data-driven. In other words, this was a problem and we see this problem as a result of looking at this data, and therefore then when we make recommendations, try to define the success of those recommendations as a function of changes to that data. That's a new exercise, and something we're excited about. But it's new and so we're learning as we go along.

There were review teams selected in January. There's six members from the GNSO, two from ALAC, two from ccNSO, one

from GAC, one representing the CEO, one representing the GAC Chair, and then there were also four independent experts that, again, I think are particularly useful to us because of the rigor with which we're trying to engage in this review. We have an economist as one of our independent experts, a consumer protection agency representative, etc. There are a number of people that are engaged because of their experience in dealing with these issues, in addition to members of the community who are just expressing their post-traumatic stress associated with these activities. So hopefully that combination together will lead to a rigorous review.

You can see the link down at the bottom here that you can follow along what we're doing. There's a wiki page devoted to it. There's three separate subteams that we've divided into – one to deal with the application and evaluation process, one to deal with consumer trust and safeguards, and the other to deal with competition and choice. Our meetings are open for observation by the public. In other words, you can log into Adobe Connect and listen along, but there will also be archives and transcripts made available from them as well.

Did I run out of time? Do I have more slides? I don't remember. Okay. So thank you very much. I want to mention we have our public engagement session where we'll go into much more detail at 5:15 on Wednesday, so if you're interested in these

topics, please come, meet the members of the team, and let's have an open discussion about what you think our priorities should be in making this evaluation. Thanks a lot.

KAREN LENTZ:

Thank you, Jonathan. The next review activity that we'll highlight here is an independent review of the Trademark Clearinghouse. This is one of the rights protection mechanisms that was developed as part of the new gTLD program and it supports things like the Sunrise Period and Trademark Claims. The concept of an independent review originated from some previous advice from the Governmental Advisory Committee who advised that at a particular time after a number of new gTLDs have launched, there should be an independent assessment made of the Clearinghouse processes. They outlined a couple of things that they were particularly interested in which included inclusion of non-exact matches, the duration of the claims period, were a couple of things they highlighted.

We think this review will be useful in terms of delving into some of the data that we have about the use of the Clearinghouse in different areas, as well as there is a component of that review that involves talking to the various stakeholders and stakeholder groups who were users or non-users of the Clearinghouse or were involved in some of these processes.

So we think this effort will actually be helpful to possibly the CCT review team as well in that they'll be looking at RPMs as safeguards, and possibly also to the GNSO as it undertakes some RPM related discussions. There'll be a dedicated session on this on Thursday where you can learn more about how to take part in this.

I'll next ask Benno to talk a little about the CDAR Study.

BENNO OVEREINDER: Thank you. So the root stability study is the CDAR project. It's an acronym for the Continuous Data-driven Analysis of Root System Stability, and it's executed by a consortium of three partners – TNO, a Dutch research organization, SIDN, a Dutch NL registry, and NLnet Labs [inaudible], a not-for-profit research and development company where I am working at. Some background, the project goal is to study the impact of the new [gTLD] program on the root stability. It was commissioned to keep some [precious] commitments to the community, for example, as an [advice source] from the GAC. So the result of the study will be in a technical report which is [input] for discussion in the ICANN community actually. So the ICANN community is about technical recommendations and policies. The document will be the input to this discussion, just to be clear.

ICANN published the CDAR Study Plan for public comment the 2nd of December and the summary of comments is published [half] February last month. I want to explain a little bit about our approach, but not too much detail because tomorrow morning there will be a session where we have time to present about our methodology, our preliminary results, and of course, a moment for us to interact with you or vice versa, a moment for you to interact with us, because it's very important to have all stakeholders have a voice and have input and feedback on our study.

So we are a data-driven project so where do we get our data? Our data is public available data from the root servers, published RSSAC 002 data by the different root operators, and data publicly available at DNS-OARC called DITL – a day in the life of DNS which is a 48 hour data collection worldwide of many root operators and TLDs, so it's very rich data which we analyzed and it's also huge. This passive data we accompanied that with active measurements done by us, by RIPE and DNS [inaudible] measurement infrastructure and we combined these, we correlate these active and passive data in analysis and to have some results saying about the impact of the new gTLD program.

Of course, for this session and the next session tomorrow and actually the whole ICANN 55, we ask you to interact with us, we reach out, we want to really have this interaction and discussion

going on. But we will also attend the technical sessions, the sessions for the technical community such as the IETF and DNS-OARC meetings in April, [Ride] meetings or other operational meetings where the DNS community is also gathering for reach out, feedback and getting comments. For more info we have a website CDAR.nl, and of course I'm available. Thank you.

KAREN LENTZ: Thank you, Benno. Jeff, would you like to talk about the Policy work?

JEFF NEUMAN: Sure. Thank you. Assuming there's no problems with the security and stability of introducing new gTLDs into the root, we have a Policy Development process underway. The GNSO initiated a Policy Development process, it's called the – sorry for the really long name – the new gTLD subsequent procedures PDP, and this is a follow-up PDP to the original one that took place. It started in 2005 and culminated in 2007 when the GNSO recommended that, to introduce new gTLDs, it had to set up a process designed to produce a systemized and ongoing mechanism for applicants to propose new top-level domains. So the existing policy by the GNSO is that there will be future…I'm not going to use the term 'rounds,' but there will be future introductions of generic top-level domains into the root.

So in December of last year, 2015, the GNSO passed a motion to initiate a Policy Development process, and I think it was in January they approved the charter. So a Working Group was assembled. There was a call for volunteers. And in February we had our first two meetings, actually one might have been the last week of February and one might have been March 1st. There were two Working Group meetings. There are currently 100 members that have signed up to volunteer, and just close to 40 observers. So that's a very large group. There are some newcomers, which is something that's great to see, and of course there's a lot of familiar faces. There are three co-Chairs for the group – myself, Avri Doria who is in this room somewhere, is probably hiding. She's back there. There you go, Avri. And Steven Coats from Twitter is also one of the co-Chairs.

I know there'll be some questions, so I think I'll stop there until the questions.

KAREN LENTZ: Thank you, Jeff. Just so you can see all of this on one slide, this is the current estimated timeline. It actually starts in 2014, as Jonathan said. The data collection and information collection to prepare for the CCT review has been going on for quite a while. Where we are now is in Q1 of 2016, we think currently. We only go through 2017 so we probably have to move this out a little

bit.

A caveat that I always give here is that when you look at the CCT review team, they set their schedule so what's there is an estimate. The same is true for PDP Working Group. That's based on how long a PDP typically takes. It would probably go at least that long. As both of these groups move forward and are more advanced in terms of understanding what's done and what's still to come, we'll be able to project this a little bit more precisely.

Finally, as all of us have mentioned, there are a number of sessions that will delve into these things in detail starting tomorrow. You can learn about the CDAR study at 8:00 a.m. The CCT Review Team, as Jonathan mentioned, is working all day on Wednesday and Thursday, and those meetings are open. There's also a special session at the end of Wednesday that's specifically for discussing and getting feedback from the community on that review. The PDP Working Group is meeting on Thursday. Is that correct? Okay. Then also on Thursday, we're combining a section on the GNSO's work on Rights Protection in terms of Policy Development as well as delving into the Trademark Clearinghouse Independent Review.

So with that, I'm going to first pose a few questions to the panelists so you can get more a sense of their work. And then any of you who have questions or comments, there will be a

microphone available here at the front. As I think is clear from listening to everybody talk about their work, they're all fairly large in scope or scale and include a number of complex issues, so anybody who would like to start, how are you going about tackling that large volume of work? How are you setting up the group or the team to get off the ground?

JONATHAN ZUCK: Thanks, Karen. That's a very good question. The first thing we did was decide that we weren't going to get done in a year and that it was going to take us a year and a half. So that was probably the first thing we did to tackle the amount of work. But seriously, a big component of tackling the work was dividing into subteams so that the meat of the effort could be handled by those subteams and then brought back to the main group to discuss those conclusions and the rationale behind those conclusions. Hopefully that will help to make the work more approachable by dividing it into these three subteams.

Then finally, I guess the other thing that we're still grappling with is defining the scope of questions that we'll be trying to ask and where we can have the most impact because there are certainly things that we won't know enough about in time to finish for our review and that will probably have to be postponed until the next review because simply not enough

time has passed. And we'll be looking at trying to define the scope of the market that we're looking at, etc. Those are other ways we'll try to reduce the scope down to where we can be most helpful.

JEFF NEUMAN: So with respect to the PDP, we've only met twice so we're still in our initial thinking, but with the large number that we have – including observers, it's about 140 people – there are a number of new people in the group. The approach that we're recommending to take is to start with some overarching issues that the entire group can work on, issues that are fundamental, that will control the other subteams once we get into different areas.

So issues like should there be more new gTLDs? That's an overarching issue that was presented to us in the charter. Another overarching issue is should it be done in rounds, or should it be done with some ongoing process? And there's a few other overarching issues that fall into that category.

After a period of time, though, we definitely anticipate breaking into smaller subgroups, working on different types of issues that are set forth in the charter. There are certain technical issues that people will work on. There are legal regulatory issues that can be worked on that include things like the objection process

or string contention. There are internationalized domain name issues, which is, at this point, in a separate group. And there are some other general issues like outreach and new TLD applicant support, issues like that which fall into another category. So we anticipate breaking out into those smaller groups after we've had some time with the full group to consider some of those overarching issues.

But again, this is our initial thinking after just a couple meetings. Really our next task is to develop that milestone chart so that we can, like the CCT, come up with a definitive timeline that we could against. Every GNSO PDP has a requirement of at least two public comment periods. We've already had one of them with the issue report, but I definitely anticipate having multiple public comment periods as part of this PDP. We at least have to do one after the preliminary report, but I'm sure just as in Jonathan's CCT group, there'll be a lot of data collection that we need as well. And so we'll definitely be reaching out to applicants and the dispute providers and ICANN staff and pretty much everyone that was involved in some way or another in this last round of new gTLDs.

BENNO OVEREINDER: Thank you. For the CDAR project, I forgot to mention that two of my colleagues on the project are here also – [Jap Oker has front]

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and Christian Hesselman from SIDN over there. You always can approach them also with questions.

Coming back to your question, Karen, the CDAR could also stand for 'continuous outreach to the community' and that's very important for us. Of course it's a lot of data analysis what we have to do and we even needed more data to have more definitive answers.

But the community outreach is very important for us because the results have to be commonly accepted by the technical community as valid. The approach should be valid, the methodology and the data used, and the interpretation of the data.

So this is indeed a continuous process also within our study. We have implemented and planned regular [moments of outreach]. I just mentioned already the ICANN the IETF the DNS-OARC. Again the ICANN in the summer will be a point of reference also. And with that, we really want to have a solid study resulting in a well-structured document that can be good input to the discussion here in the ICANN community. That's important in our approach. Thanks.

KAREN LENTZ: Thank you, Benno. On your use of 'continuous,' I think you've spoken about, with this study, not just trying to create a set of measurements and analysis that would be done once, but that would be something that could be a resource that could be referred to going forward. Could you talk a little bit about that?

BENNO OVEREINDER: Yes indeed. For instance, a study like this, we do a lot of work [on instrumentation], development of tools. Of course, that gives us information about today and what was the past, but we also see that this continuous measurement can be of great value to others. So it's not only the instrumentation will be developed by our team, but we will also make it available to the community so everyone could run these tools, do their own measurements and analysis but also for the future it's good to have a constant monitor on changes. So of course the study will make some statements about the stability or the impact of the gTLDs but we cannot prove any instability in the future. We cannot model that.

So it's important to have this constant continuous monitoring of our root system with all the change to the root zones. That's indeed an important aspect of our study, and I think also important contribution to the community.

KAREN LENTZ: Thank you. Jeff or Jonathan, do you want to talk about goals that you might have for your particular group's work?

JONATHAN ZUCK: Thanks, Karen. I guess I may have jumped the gun a little bit and spilled the beans on some of our goals in my introduction, but I think one of our overriding goals is to find a way to make the process less anecdote-driven and more data-driven, both in terms of how we define the problems that we find in our findings and how we specify measures of success for any recommendations that we might make.

Another thing that has to some extent plagued some previous reviews has been the fact that they've immediately disbanded after the recommendations, and so then in evaluation of how the implementation of those recommendations took place ends up waiting until the next iteration of that review team. So another experiment that we're trying to do through our review team is to stick around a little bit to participate alongside staff and make sure that our intentions are communicated effectively in the implementation phase of those recommendations. Finally, I guess as I was talking to Jeff at the beginning of this session, I think another challenge is how many things are going on at the same time. There's a lot of efforts that are trying to answer some of the same questions from different perspectives,

and so a high level of coordination between these groups will help us, again, use our time most constructively and reach the most consensus-driven set of recommendations.

JEFF NEUMAN: With respect to the PDP, I think we've learned a lot since the last time we had a PDP, Policy Development Process, on new gTLD. For the last time in the last PDP it was very much high-level. The GNSO presented a set of recommendations to the Board which really looked at the program from what I would say 50,000 feet up, just assuming I guess that the ICANN staff and Board would obviously know what we meant with the recommendations and would implement it exactly as we all had envisioned it. It turns out that there were a lot of unforeseen issues that came up between the policy recommendations and the actual… First with the development of the applicant guidebook that was used as the application process, and then as many of you know, after the application guidebook, during the application process with the contract and with all sorts of things.

So I think one of the goals we have is not just to provide the policy advice, but also in line with the recent work that the GNSO has done on policy and implementation is to also provide implementation advice to ICANN staff when drafting the next… I'll call it an 'applicant guidebook' but I don't know what it will

be called going forward. Maybe we'll still use that term.

So I think that's one of our goals is really to not only provide the high-level recommendations, but also to provide some advice on the implementation as well. There are a lot of challenges with that. There's just a huge volume of issues that we have to look at, from beginning to end, and so that's one of the challenges we have. But the benefit we have this time around is that we don't have to spend as much time on the theoretical issues, and we can really get down to the practical issues – issues that we know we had with this last round. As many of you know, we spent years working on the corner cases of "What if this happens?" and "What if that happened?" Guess what? Nothing ever happened with that. But we spent a lot of time working on those issues. In some cases we spent over a year working on some issues that it turns out were not really issues or didn't come to fruition in the way that some were afraid of.

With respect to other items, though, we didn't necessarily foresee all the issues, but we've had the benefit of learning from what has happened. So I think that's a challenge, but also I see a silver lining on that. As Jonathan said, there are a lot of groups that are doing reviews and not just the ones that are up here, but the Governmental Advisory Committee has some ongoing work with the new TLD process or subsequent procedures , and

the ALAC is doing some other work, and ICANN staff did an implementation report. And I forgot to mention, actually pretty important, although it was up on one of the slides, there's a whole other Policy Development Process that was kicked off but they still have to approve the charter, which hopefully will be done at this meeting. That's on the Rights Protection Mechanisms that were used in the last round of new gTLDs.

So there's a lot of coordination that needs to take place, and we want to make sure that the work is not duplicated because otherwise this could take years. There'll definitely have to be some very close coordination with those groups to make sure that we're not duplicating those efforts.

KAREN LENTZ: Thank you. I'm actually glad that you mentioned the number of groups that are working. I meant to mention that in the slide about all of the sessions during ICANN 55. I'll just note that besides the ones I that I had up on the slide, there are a lot of topic-specific groups that are focused on particular issues that will most likely become relevant to subsequent procedures and to discussions of these topics. There's a Cross-Community Working Group on use of country and territory names. The GAC has some Working Groups on, for example, underserved regions, I think the name of it is. Probably wherever you go throughout

the week in meetings there'll likely be some discussion of either inputs and experiences from the 2012 round of gTLDs and what people are interested in discussing in terms of moving forward.

You both have mentioned one of the challenges being the number of different groups that are working on topics that are the same or similar. For example, Jonathan's mentioned the AOC has reference to the application and evaluation process being something for the Review Team to look at. That's obviously a topic that the Working Group would be spending time going through. I wondered if you both could talk a little bit more about how what you're doing is different, and any other thoughts on coordination.

JONATHAN ZUCK: That's an interesting question, Karen, and I think that it's not something that we have a definitive answer to. And so that will be a dynamic and organic process to define where those boundaries exist, where the overlap exists, and the best way to cooperate. In an ideal world, a review of the application and evaluation process would happen prior to the launching of a PDP that's intended to look at ways to improve that process. By definition, the fact that they're happening simultaneously means that they're going to engage in the review of that process, so I think it's going to lead to some complexity, for sure.

The review process is a relatively new one. This AOC mandated reviews is a relatively new process for ICANN, whereas the PDP process is a long-standing and better understood process. I think that it behooves review teams to sort out the best way to plug into the existing processes that exist within ICANN, and I think it's our job to make findings and help to set priorities that then report back to the PDP processes that may already be taking place, or make recommendations for further PDP processes to address some of these high-level findings.

In some ways, there's going to be components of our work that overlaps and requires some coordination, but hopefully the job of the Review Team looking at these high-level questions about Consumer Trust, Consumer Choice, and Competition in the market will be able to look at specific areas for improvement in order to gain improvement in those spaces and allow us to create more specific recommendations for further policy development that might take place.

JEFF NEUMAN: For those of you who know me, I'm a huge, passionate, person about the Policy Development Process. I've been around for a number of years and was involved in one of the last extensive reviews of the Policy Development Process, and that's really

what makes us as an organization unique. It's completely bottom-up. Anyone can participate in the Working Groups and so that's why we have 100 people so far that have volunteered and I'm sure there'll be more after this session. And I'm sure there'll be more that want to join as new organizations come into play and as others see the success of some of the new gTLDs in this current round.

I see it very different as the Review Team, which is much more top-down in the sense that it was a team of independent experts and of ones that are supposed to be looking at the data and making recommendations based on the data. And I see the Policy Development Process as relying on the CCT for a lot of that data to help us make the policy. I agree with Jonathan. There's definitely going to be overlap and we're going to have to figure out ways that, once the data's there and the CCT review team is able to come to some conclusions based on that data. It's certainly to figure out, "Does that require some policy work done for future work, or is that something that is a simple recommendation that really doesn't necessarily involve policy but maybe just a change to the mechanics of how things were implemented?" There's no clear line. It's a definite grey area, and so it's definitely going to present a challenge but I look forward to the Policy Development Process because, again, I

think it's the cornerstone of what makes ICANN great. It's really what is the multistakeholder model.

KAREN LENTZ: Thanks, Jefff. So you mentioned you have over 100 volunteers so far. Can people still be involved, and if so, how do they do that and what should they know about the PDP?

JEFF NEUMAN: Yes. Anyone can be involved, whether you're a newcomer or...I was called an 'old-timer' on the last call, which I'm not sure how I feel about that. But yes, anyone can join. You can be in any constituency stakeholder group or any supporting organization or advisory committee or not in any of those, just an individual. The best way to do that is to send an e-mail to the GNSO secretariat, which is just gnso.secretariat@icann.org and Glen, I'm not sure if she's here, will make sure that you're put on the list. You can choose to be either a full member or an observer. My understanding of the difference is that full members can not only read the mailing list, but can post. I'm told that the observers can just read the mailing lists. I'm not sure if the observers are notified of all the calls that take place, I'm not 100% clear on that, but at least at the beginning, we do have weekly calls. They are currently scheduled for Mondays and they have a rotating time schedule. I guess in theory it might be a

Tuesday in Asia and Monday in North America, or Monday in Asia and Sunday night in North America.

So we have calls, and I anticipate as we break out into more Work Streams that there'll be more calls. We certainly welcome anyone that wants to volunteer and participate, but if you do volunteer and participate as a member just be prepared to actively participate. I know it's tougher for some of the newcomers, but some of us have been around for a while and are always eager to talk to anyone. If you get lost in the acronym soup or if you just need some background, there is a lot of us in that group that are more than willing to help out.

KAREN LENTZ: Great. Thank you. Benno, you mentioned a couple of types of outreach that you'd be doing in terms of IETF and DNS-OARC. Can you recap what the best ways are to follow the study you're doing?

BENNO OVEREINDER: Sorry I didn't hear the [inaudible].

KAREN LENTZ: Sorry. I was just asking if you wanted to review the different ways that people could be involved in following your study.

BENNO OVEREINDER: Yes. Of course we are a relatively small consortium, small group of people doing the work. So to interact with us, it's either during the presentations . Tomorrow we give a presentation about preliminary results and our approach methodology DNS-OARC also. These are good public open [moments] for comments for discussion. But other ways is really contacting us directly. So either via e-mail or … We do have a mailing list but I think people can send an e-mail to it, but not be on the receiving end. We use that primarily for internal communication. Okay. Oh, no, it's really closed, only [we widely] some people. No, I think just direct contact with us during presentations or via the CDAR.nl website you can find the contact details. Bart Gijsen is the coordinator of the project from TNO. He should be mentioned, of course. We're very open for comments, so please drop and e-mail if you think we do miss some… For example it's very important – it's also one of the challenges, of course getting the data and analyze the data, but also to determine which metrics are relevant. How do you express performance? What is good performance? And is good performance from the root server operator? But that might be a different metric than for me as a consumer, as a user. So we have different perspectives to performance and we have to cover them all and put them in the right perspective in a document so that it can be understand by

the community at large what are the different impacts of the new gTLD program. Is it for the root operators? Is it for the TLD registries? And is it for me as a customer?

We want to be clear about that, that we do have plans. We do have put these ideas in our proposal. We did get some feedback from the community, but this is again as I mentioned a continuous process of outreach and testing our results, testing, presenting our results, and being confident that we covered the right metrics, that all the different stakeholders in the DNS community will think that their voice is being heard and their performance metrics are actually taken into the study.

We do attend these meetings, we have the website, you can contact us via e-mail list and as we are walking around here through the corridor, please get in contact with us.

KAREN LENTZ: Thank you, Benno. Is the e-mail address on the website?

BENNO OVEREINDER: Yes.

KAREN LENTZ?   Okay. So CDAR.nl is the website.

Jonathan, if people are interested in contributing to the CCT Review work, what's the best way for them to do that?

JONATHAN ZUCK: Sure. Definitely. Thank you very much for the question. We do have an e-mail address which is input-to-cctrt@icann.org is a way to e-mail the group. There will also be opportunities for public participation, such as the one I mentioned on Wednesday evening. There's the ability to observe through the Adobe Connect room the meetings themselves or to look at the transcripts and the recordings of the conference calls that take place. The draft documents as they're posted to the wiki can be read by the public. And the other thing to remember is that I take to heart Jeff's admonition that the bottom-up, multistakeholder process vs. a review team being somewhat top-down, but the thing to remember is that the review team is made up of members of the community that are representing that community. So in other words, there are representatives of GNSO, there's representatives of ALAC, etc. so there's opportunities through those groups to reach out to your representative to the review team and make sure that what's important to you is being raised and that your voice is being heard.

There's a lot of opportunity to engage with the process, and we really do welcome it because we want to make sure that we get it right.

KAREN LENTZ: Thank you, Jonathan. Last question for everybody is any closing comments that you want to make. I asked about challenges, I also wonder what you're all excited about in terms of where you are on the work. So any last comments?

JEFF NEUMAN: It goes along with some of the challenges that we have. We're not starting, at least for the PDP, from a blank slate. We have a whole set of policies from 2007. One of the things that should make our job a little bit easier is that we will start with the premise that the policies adopted back in 2007 are still valid unless there's a consensus to overturn those. The policies that we had back then, which include that there will be introduction of subsequent new gTLDs, that's what the policy is right now. That's the default unless there's a consensus in the community to change that. There is a number of other policies that, as you go through them – and we'll be talking about this on Thursday in the PDP Working Group – there's a number of policies that are still valid today. We may need to fine tune them, but because they were very high level they're still applicable, things like

you've got to introduce new gTLDs in a predictable, orderly, fashion, timely fashion. That's a pretty good high-level principle I think that is still probably relevant, so we'll just have to fine tune those. We're not starting from a blank slate.

Although many PDPs in the past have taken a multitude of years, I'm hopeful that this one will not drag on for more than the timeframe that's set forth in those slides. I'm pretty hopeful and I think it's an exciting time. I think we're setting the future of ICANN, and so I encourage everyone to get involved.

JONATHAN ZUCK: We've been involved quite a bit the last two years in discussions of accountability. You've probably heard that come up in one or two conversations in the past few days or over the past couple of years. There's a lot of self-examination going on, if you will, inside of ICANN to figure out if the right mechanisms are in place to make the organization accountable to the community that it's meant to represent and on whose behalf it engages in its work. There's this old expression, "Who watches the watchman?" or "Who guards the guards?" depending on the translation from Latin. And I think this is a perfect example of, there's this very sacred duty that ICANN has taken on behalf of the Internet community, but every once in a while the Internet community needs to perform its own review.

What's particularly ironic about this particular process that Jeff and I are both engaged in is that there was an application and evaluation process. There was an objection process. There were a lot of opportunities for the organization to evaluate and review the Internet community that wanted to participate in the new gTLD program and so, similar to corporations with 360 reviews, this is in a time now to review the reviewers. So hopefully that's an exciting part of what we're doing and glad that you're all here and taking an interest.

BENNO OVEREINDER: Okay. Some final remarks. Yes, the challenges again, indeed. So the challenges are actually to find the data which is able to answer the questions at the table, and the root operation seems to be a simple game but there are many moving parts and it's difficult to find the effects of changes. Besides that, getting consensus on the metrics and the approach – community consensus – and we are working hard on that. Thanks.

KAREN LENTZ: Alright. Thank you everybody. We will now open up the floor for any other questions or comments. They can be to any of us who are here. There's a microphone in the middle that we will hand to you if you'd like to come up.

STEVE METALITZ: Thank you. Steve Metalitz from the Intellectual Property Constituency. Thank you for this panel. I think this was a very good introduction and scene-setting for a wide range of very complicated issues. You all have your work cut out for you, and I'm sure there are going to be a lot more volunteers for the PDP Working Group once people realize that Jeff Neuman is in charge of running it. "Who watches the watchers," indeed. That was a joke. Actually, you've got a great team here, I think, to be leading this so I'm very confident about it.

I actually had a question which may be for Karen about something that flitted across the screen here as the way it flitted across my horizon a month or so ago, and I'm trying to figure out where it fits in. That's the DNS Abuse Study, or DNS Use Review. I saw it in there somewhere about halfway down. Could you talk a little bit about what that is, where that stands, and how the community would have input into that?

KAREN LENTZ: Sure. Thank you, Steve, for the question. So if you go back to the time when we were trying to gather data and prepare for the different components of the CCT Review, we had a group that was making recommendations around how to measure consumer trust, consumer choice, competition and we did some

studies around that. In terms of looking at the application and evaluation process portion, we collected a bunch of data and information from the staff side and put that in the form of the program implementation review report. Then, when we got to the bottom, safeguards, we think that encompasses two things – one is the Rights Protection Mechanisms, which we did an exercise also collecting data and getting public comment and feedback on that as an input to the review team in its look at safeguards.

And there was also a set of safeguards that were part of the program that at the time we called mitigating malicious conduct, and we've tried to rename it DNS Abuse as people would just look confused whenever we would say mitigating malicious conduct. It's things like the centralized zone file access system, having background screening. There were a set of protections that were also built into the program end that we wanted to do the same type of exercise in terms of collecting data, seeing what data is available and what people's experiences and perspectives have been with that set of protections. So we're doing a similar paper like we did with the other two, with Rights Protection and with Program Implementation. We have that actually ready which we plan to open the comment on it just after this meeting closes.

WERNER STAUB: Werner Staub from CORE [inaudible]. I have a question in the context of accountability that Jonathan Zuck has mentioned, because it [would be] talk about measuring, say in the different reviews' accountability doesn't really appear as one of the criteria, but the probably implicit in each line that we had just on the screen. Specifically in the context of new gTLDs, what we actually have is a handing out of roles to people, all kinds of roles such as registry. Basically ICANN appoints people to do a certain job. You can say this is delegation of a role to someone, and then we ask ourselves, is ICANN accountable? Is that really the question? The question is, does ICANN appoint accountable parties? Are these people accountable? How can we know if they're accountable? There is actually a way of measuring, and the easy way of measuring is, can they be replaced by the people affected by their actions? Can the people affected by the actions of registry X do something and, in the worst case, replace these people? That is accountability, if you can be replaced by the people affected by your actions.

Now, a registry – the way you've defined them mostly, in the case of the gTLD program, they have to be accountable, because…accountable to whom? To ICANN. And then ICANN in turn is supposed to be accountable to everybody. That doesn't work very well. We had the community concept. We forgot on

the way that the whole point about the community is that it has its own organization, it's got its accountability process, it has [all] community organizations they're supposed to be accountable to their community. We need, probably haven't done enough work about, we could still measure it and improve it to be sure that the parties appointed by ICANN are accountable and can be replaced based on decisions and action by the people affected by their actions.

JONATHAN ZUCK: I guess I'll take first crack. Jeff's interested in this topic as well. I think you've raised some interesting points, so thank you for your question. I think there are a number of things to address that. One is , as you say, the delegates, if you will, are meant to be held accountable by ICANN, and then ICANN is meant to be held accountable by the community, and you said that it hasn't worked very well. I think in some measure that's because there haven't been real mechanisms to hold ICANN accountable. At least in some measure, a greater degree of accountability of ICANN the organization to its community will allow for that chain reaction that you described to take place that could result, in theory, with a redelegation of that responsibility. It's tough using 'delegation' because that's a specific ICANN vocabulary word, but the reassignment of that responsibility. The other goal of the new gTLD program, of course, was increased competition,

and one of the things that we'll be looking at in our review is defining what competition means, because the immediate economist's assumption about competition is did prices come down, for example. And this may not be a market where price is the problem that people had with competition. The prices are artificially constrained already. That may not be where we needed more competition, where we may have needed more competition is having options to switch providers with relative fluidity that then acts as a form of discipline potentially on the people that have been delegated these responsibilities.

So I think there's a couple of different angles in which there is at some attempts being made to increase the level of accountability to the delegatees, as you put it, to the communities that they serve. One is to increase accountability of the institution itself, of ICANN, and the other is to increase competition between these providers such that switching away from them and voting with your feet, if you will, becomes a mechanism of "replacing" them.

JEFF NEUMAN: Yes. To add to that, and I'm just trying to think of how to put this. Again, this is complete personal opinion, not anything to do with the Working Group opinions at all. I don't necessarily see accountability as true accountability means you can be

replaced, and I'm not sure that accountability of registries is only to ICANN. I mean, accountability of registries are ultimately to the customers, and the customers are in some cases the registrars, and in some cases the ultimate registrant. And I think that's a way to judge accountability. If nobody registers or if they're not able to serve their customers, that is a measure of accountability. A registry's accountability is not only to ICANN, and I see accountability as the ability to meet one's commitments. And if they're meeting their commitments under their agreement with ICANN and if serving their customers well, that could be a measure that's a market measurement of accountability.

So I'm not sure I agree with the premise of accountability means that you could be replaced, or someone else could fill that role, although I do agree with Jonathan that accountability can be measured with the ability to move from one type of good to another, or one TLD to another. The one thing I would add to Jonathan, though, is it's not necessarily that they switch from one provider to another, because you can have an expanding market in which new entrants are more likely to go to the others and you don't have to measure from "did the legacy registrants move their TLDs to the new TLDs?" but, "are the new TLDs capturing some amount of the new market that's out there?"

JONATHAN ZUCK: Are you able to [inaudible].

JEFF NEUMAN: The ability, yes.

KAREN LENTZ: Okay. Thank you. We have a couple of questions from remote participants.

UNIDENTIFIED FEMALE: There are two questions in the chat room from the same participant, Wisdom Donkor, from the Ghana National Information Technology Agency. The first question is, "How is data going to be collected? Most countries, specifically in the developing world are yet to pass their Right to Information bill."

KAREN LENTZ: Thank you, [Aishkal]. We had a little bit of difficulty hearing you. Was the question…I heard, "How is data going to be collected?" Could you repeat the second part?

UNIDENTIFIED FEMALE: "How is data be collected? Most countries, specifically in the developing world, are yet to pass their Right to Information bill."

JONATHAN ZUCK: That's a very good question, and one of the things that we'll be grappling with in the CCT Review is what additional data collection requirements there are. There have been a lot of metrics that are statistically significant that will allow us to derive information that may not have been specifically available. But in addition to that, there are regional studies that are taking place and the results of those studies are sufficiently aggregated that we can then consume those and ingest them into our review process. So even though there are some laws in certain countries about releasing individual, personally identifiable information, there are studies that are taking place in the developing world that will give us aggregate results that we can use. And in our case in particular there are two global surveys taking place by the Nielsen group, one of end users and one of registrants. And they are following the practices of those countries in order to get back statistical results as well. So we are getting some data on the Consumer Trust aspect from around the world.

JEFF NEUMAN: I'm just going to rely on the data that Jonathan gets legally. I think from the PDP Working Group a lot of our data is going to be collected from those that participated in the process that want to voluntarily participate in our process. I foresee a lot of our data from the people that applied the existing registries that

want to talk to us and I think you'll find of the people that applied, a lot of them do want to voluntarily come forward and give data on everything in the process, whether it was the application process, the portals, the predelegation testing, the delegation process, the contract itself. I, at this point, don't foresee a lack of people coming forward to give us feedback and information on what happened in the last round.

BENNO OVEREINDER: So for the CDAR project, our main data resources are [inaudible] public resources provided by the RSOs, so the RSOs have their RSSAC 002 data published. We get the data at DNS-OARC from DITL – a Day in the Life of DNS – which is a measurement of 48 hours once a year. We would like to see that more often, but it's huge data, so you can do that continuously unfortunately.

So that part of the data is well-covered. The other side [in these] have the customers [our] measurement infrastructure, although it's 8,000 probes, 8,000 measurement points on the Internet, about 75 – 80% are in Europe and North America. So there's a great bias here, indeed. And that, again, we have to take into account. There is, again, the RIPE Atlas measurement, so the RIPE NCC is actively trying to get these probes also in these areas. So nowadays you have a good argument if you want to have a RIPE probe in Europe. They prefer to hand out RIPE

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probes in other areas. But again, this is the situation today and we have to deal with that.

So indeed it's part of the analysis, the future of course is to hand out more probes and more measurement points in these developing areas. Today we have to take that into account in our analysis and statistics to to be aware that there's a bias and to use appropriate methods to compensate that. But indeed it's an issue and we have to be aware, and we are aware of that. Thank you.

KAREN LENTZ: Thank you for those points. We have another remote question?

UNIDENTIFIED FEMALE: The second question is, "Is there a going to be an informal session for the new gTLD Working Group? I believe to a large extent will help the newcomers in the review processes. This is just a thought."

KAREN LENTZ: Sorry, could you read it again? For some reason it's hard at this end of the table to hear the other end.

UNIDENTIFIED FEMALE: "Is there going to be an informal session for the new gTLD Working Group. I believe to a large extend will help the newcomers in the review processes. This is just a thought."

JEFF NEUMAN: So the new gTLD Policy Development Process Working Group on Subsequent Procedures is having a session on Thursday, 9:00 a.m. local time, and the room was on that slide. I think it is going to be a good session for newcomers as well. I think some of it's going to be a joint session with the CCT as well. Avri, who's still back there hopefully, is going to present on the 2007 GNSO principles and recommendations. So I think that it's going to be very helpful for newcomers to understand the baseline of which the rest of the gTLD program, the 2012 round, was based.

I think that's going to be helpful, and one of the things we did talk about with the Working Group was the whole potential webinars in the future to help the newcomers come up to speed with, as I call it, the acronym soup, that we have here.

KAREN LENTZ: Thank you. Did we have another question?

[JIN CHAU]:	[Jin Chau from knet, a YSG] member, but speaking in my personal capacity. It's interesting that we have so many different review team, but I'm wondering how ICANN will deal with a totally different or even contradicting review conclusions. For example, if a end user or customer they prefer more gTLD, but trademark holder, they don't like the idea. Or how about if a registry or registrar they prefer the second round new gTLD program, but the root stability review find that the more gTLD will have a negatively impact on the root stability. I just wonder how to deal with the possible different conclusions. Thank you.
JEFF NEUMAN:	That's a great question. And I sort of joked around a little bit before when I started my presentation of, "Well, assuming they find that there has been no instability." I think there are certain things that if it is found, which I can't imagine, but if it is found to be completely affects the stability of the root and of the Internet, introducing any more new gTLDs then I think it would be tough for us to recommend going forward with new gTLDs. I'm fairly confident that that won't be the case, but if it is, then obviously the work that we do will be impacted.
	With that said, there's always been positions of different groups in the ecosystem as to whether there should be or shouldn't be new gTLDs. It's why I said the current policy right now, as the

GNSO adopted in 2007, is that there will be ongoing introduction of new gTLDs. Unless a consensus in the community decides otherwise, that's a baseline from which our PDP starts. Now, what I'm not saying is that the current protections aren't necessarily adequate enough. They may or may not be. And there's lots of room work on with there, and in theory the whole community can get together and say, "No, we don't want new gTLDs," and it might just be the registries and registrars that want it.

I can't pre-ordain what the outcome is. I can only say what the policy is today, and that what it would take to overturn that policy going forward. But everything else, yes. Jonathan and I were just talking earlier that we absolutely have to closely coordinate our teams to make sure that if we are going down a path where it looks like we have conflicting data, that we somehow try to figure that out and see how we can move forward with that.

JONATHAN ZUCK: Again, thanks for your question, and obviously we need to coordinate but we may reach some differing conclusions and that will lead to an interesting exercise, but ultimately it will in fact be the role of the GNSO to develop ongoing policy, not the role of the Review Team. You said some interesting things,

though, and I think it's worth drilling in just a tiny bit: what if consumers want there to be new TLDs? It'll be a very interesting exercise to ascertain whether there is consumer demand for new gTLDs, or whether there ever was, and so that's one of the things that we ought to look at is to see whether there was consumer demand, and if so, were their demands met? And that I think is a valuable exercise.

You also mentioned that trademark owners don't want new TLDs, and I think that's probably a misstatement as well. I think what they specifically don't want is for the business models of those new [TLDs] to be based on defensive registrations by those trademark holders. In other words, can you find a way to serve the customers that are demanding your product without relying on trademark owners making defensive registrations to support your business? Is there a business model absent defensive registrations? And if there is, every trademark owner will be 100% in favor of their being new TLDs.

So I think it's a question of how things are done moreso than whether they're done.

BENNO OVEREINDER: I can only comment that it's more a cliffhanger actually. The preliminary results will be presented tomorrow morning. I know it is bad of me. [inaudible] Indeed, it's a very valid question. And

the document will be input for the GNSO PDP Working Group for discussion and policy development. Good question, thanks.

[JIN CHAU]: So I just wonder if we can anticipate this result, maybe we can have a overarching framework in [at once] to deal with the possible conflicting conclusion, but obviously now it's so premature to that stage.

KAREN LENTZ: Do we have any more remote questions? No. We have two minutes left. Any other questions from the room?

UNIDENTIFIED MALE: I just have to say, though. A couple years ago, when we were talking new gTLDs, there were people up at the mic, there were people asking questions, and hammering the people at the front of the room. It's very subdued now. I almost want to say something controversial, but I'm not going to today.

JONATHAN ZUCK: I tried a little bit. Well, I will say mark your calendars Wednesday, 5:15. Come be a part of the CCT Review public session. Thank you.

KAREN LENTZ: And please thank all of our panelists.

[END OF TRANSCRIPTION]