
COPENHAGEN – ICANN GDD: gTLD Marketplace Health Index - Advisory Panel Meeting
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MUKESH CHULANI: Good afternoon everyone. Mukesh Chulani here, the staff facilitator for this project. If we have any more member of the Advisory Panel, I'd like to invite you to join us up in the tables here up front.

This is a working meeting for the Advisory Panel for the Marketplace Health Indicators effort. This is, I believe, our sixth working session and we've made quite a bit of progress since the session in Hyderabad where we discussed the main efforts that needed to be done in order to revamp the direction of the project.

We've got until 4:45 today scheduled. We can, of course, proceed as necessary. If we end early, we end early.

Agenda for today is to just review the timeline where we are in terms of the overall scope and timeline of the project. We had three different category definitions set up for fine tuning: "Robust competition;" "Marketplace stability;" and "Trust." And over the course of the various working meetings we've spent quite a bit of time reviewing the "Robust competition" category. That's always appeared first, so this time I've put it last so we

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spend a bit more time reviewing the “Stability” and “Trust” categories.

We have made some updates there based on your suggestions, and I want to show you what that looks like now so we can get further input.

We’ve also received your input in a survey, just a review of the existing metrics we’ve published in the beta report. This is really like a spring cleaning exercise where we take a look at the existing metrics to decide what we keep, what we toss, and what we’re unsure about still. So, we’ll go through some of those beta metrics just to see your inputs in light of the survey results and then just go through next steps.

In terms of our proposed timeline, we’ve had to stretch this a little bit, spent a little more time in the necessary stage of discussing the scope and the category definitions. So, we are at the phase of clearing through the category definitions and start to talk about the competition metrics which is, in any case, the bulk of what we have covered in the beta report. Subsequent to that, we’ll work on stability and trust metrics.

As I said, what we have now and what you’ll see in front of you later on is the existing metrics that have been published. That’s one part of the exercise, to look at what we have now and whether that remains suitable or relevant. And then we have to

look at replacement metrics, if there are any additional ones which would make sense given the revisions we've made.

That should take us into May, and then we hope to – perhaps we'd have to still publish one more round of the beta report providing input into second half 2016 data, but hopefully by the second half of this calendar year we'll have at least a skeleton of the index and we start looking for data to fill that in.

So, just revisiting the overall scope and what we've achieved thus far. Again, our anchor has been Objective 2.3 in ICANN's Strategic Plan, and that is, "To support the evolution of the domain name marketplace to be robust, stable, and trusted." And that's where we get those three key words, "Robust," "Stable," and "Trusted."

What we've done so far is we've made a decision over the past few working sessions that it is important to include ccTLD data. The beta was very much confined to gTLD data, and consensus has been there to try to expand that to include ccTLD data. We also looked at what this initiative should be called. There was a sentiment that perhaps we weren't calling it the right thing given what it intended to do. So there's been a consensus as well to rename this project, and it will be subsequently called, "Domain Name Marketplace Indicators" once we're done with the beta effort.

Where are we now? We're starting to discuss the robust competition, marketplace stability and trust metrics, and then look at the relevance of data metrics, as I said. That's the spring cleaning exercise. And once we're done with that, explore other relevant, recurring, reliable, rigorous data sets which we might be able to use. Steve.

STEVE DELBIANCO:

Thanks, Mukesh. Steve DelBianco with the Business Constituency. While we're on this slide – because I looked ahead and saw that there might not be another place to ask you this question – the “Anchor” as you call it is Objective 2.3, approved years ago. And while that anchor is certainly in place, there shouldn't be an assumption that this project is the only project that satisfied that objective.

I'm pointing to something I just shared with you and Jen Gore, is that this morning the CEO replied to the BC and others in the Commercial Stakeholders Group when we were seeking access to a lot of data – data that's included in this project, but a broader set of data with respect to compliance and zone file – and Göran's very helpful reply to us pointed – 20 or 30 times in the letter he pointed to the Open Data Initiative Pilot that David Conrad has as a place where the Commercial Stakeholders Group should go to get this data. He didn't mention this project

one time. And it's part of what happens when a new CEO comes in and new projects come up.

But the objective and the anchor to the objective is here. We acknowledge that. And it's here at least until we revise our Strategic Plan and come up with some other objectives. But we shouldn't presume that the only way to satisfy the objective is to continue down the implementation path that you're ably managing here.

So, I'd like to ask whether we could include in our timeline, include in this set of next steps to take a peek at Open Data Initiative Pilot looks like – the kind of data it's gathering and the way in which that data will be accessible – and ask whether that project – which may or may not get more or less funding than this project – if that project has legs and is moving, it would be a better way to pull this anchor than our project would be.

Do you have any reaction to that?

MUKESH CHULANI:

Thank you, Steve. I think what you're describing here is a wider interest, within ICANN anyway, to release and be more transparent about data. As you also mentioned, Objective 2.3 exists as it is now, and within the current Strategic Plan will exist. I'm not precluding the possibility that this gets folded into

the wider open data effort. The form that it's presented in is actually open to discussion as well. We've had feedback in the last session in Hyderabad that perhaps a biannual report isn't the best way of presenting this. So perhaps once we have the metrics decided, we may decide that the best way to do this is rich data, and then at that point we could definitely consider how we present this. I don't think that's off the table at all.

I view that more as how we release the data to the world, how we present the data to the world rather than what data makes sense to present. This effort right now is more so about what's the right data to present, and then the Open Data could be how we present it to the world, but acknowledging of course that we're working on the assumption that 2.3 remains in the Strategic Plan. If it goes away in the next Strategic Plan, we don't know if that's going to happen or not, of course.

STEVE DELBIANCO:

Thank you for that, Mukesh. 2.3 is an objective that's in the Strategic Plan. It's not necessarily a commitment that the way to meet the objective was the Marketplace Health Index and nothing else could meet that objective. So when I speak of the anchor staying in the Strategic Plan, I wanted you to consider the fact that the Open Data Initiative Pilot might replace this project as the project that surfaces the data. And the indices that

we speak of, those metrics that we are designing, those metrics are built from the very same data that is contained within the Open Data Initiative – you’re nodding yes, let the record show – so the metrics really just would sit on top of the Open Data Initiative as things that could be published by ICANN whenever they are regularly updated.

I get that our work wouldn’t go away. The metrics we design would just reach into the Open Data Initiative and a computer – without a whole team of people working on it – a computer could simply publish those metrics as often as you wanted to. If the Open Data Initiative data is there, there isn’t a need to have the biannual, quarterly or weekly process of staff going through the steps of compiling the data and publishing a metric if the metric is simply an API reaching into David Conrad’s data and putting an answer on the screen. Then it could be done automated continuously in real time.

So 2.3 could stay, but this project might not be the project that fulfills 2.3. Some other project could be.

MUKESH CHULANI:

Yes, Steve. I acknowledge – again, the record can show I’m nodding my head – it is a matter of how we present the data, and that in fact is part of the [“Others”] category there. “Revisit considerations and publication frequency, report design

language, academic review.” That’s definitely part of the things we need to talk about.

It’s also contingent on what data we select, whether that data is, let’s say – I use the word carefully – owned by ICANN versus owned by a third party, whether that data is purchased from another source, then whether we could present that in an open data platform or not. These are considerations we can take when we do choose the metrics, and then we decide, is that data we have within our four walls? If not, can we acquire it? If we acquire it, can we release it? If we release it, can we release it in this form? These are important considerations, but your point is well-taken, Steve.

STEVE DELBIANCO:

So we’ll note on this point, too, that the Open Data Initiative I think is only about data that ICANN and its contract parties generate. If in fact we have metrics that rely on data coming from outside of ICANN, we’ll have to really keep track of those because the Open Data Initiative wouldn’t necessarily generate them.

MUKESH CHULANI:

Yes, you’re right. That’s noted as well. It’s contingent really on what we select.

Jay.

JAY DALEY:

Thanks. Jay Daley from .nz. There's a High Interest Topic session on a data-driven ICANN and the community. I'll be running that on Thursday morning, and the Open Data Initiative will probably be rolled into that because it was remarkably scheduled at the same time.

Actually, you said earlier it's a matter of how you present, and I don't think it is. I think it's more than that. One of the most important things is that people can trust these marketplace indicators. For people to be able to trust them, one of the most important things they need to do is be able to reproduce them, and they can only reproduce them if the underlying data is made available and open. So if third party data is bought, which then can't be published in order to then be summarized and extracted down to provide an indicator, you have a big problem of trust around that.

Could we then trust the person who the data has been bought from? That's certainly a big question. I think the issue of the trust in these indicators needs to be built in from the outset, and that leads to a decision about how the publication takes place. Because you need to publish the data as much as possible in order to engender that trust.

MUKESH CHULANI:

That's well-noted, Jay. And it's contingent on whether that data is within the four walls of ICANN, right? And what you're saying I take it is you structure what you choose based on whether you can publish it or not. If the Advisory Panel points us to, for example, there's a decision not to include ccTLD data, it could very well be much more limited in granularity than what data ICANN has within its four walls. So the presentation of that might look differently. Even though it could be within the same data platform, the Open Data platform could still have that, but it might not have the same granularity.

It's just a matter of what's available when we actually get to choosing the metrics. If it's within ICANN's four walls, probably granularity could be higher. If it's purchased externally, it may have to be presented in a different form. Or if it gets subsisted within the Open Data effort, at what level, we'll have to decide based on the cost, based on frequency, [rigorously.] As you noted, I guess the reputation of the provider, lots of considerations.

JAY DALEY:

I think caution should be applied before buying data. A perhaps longer term but better solution is to change the contractual nature of things to ask people to provide more data.

The kind of thing that I see as being problematic would be ICANN, say, buying Dun & Bradstreet's data about companies in order to assess the credit worthiness or something else of a company to then look at the stability element. Because that is never going to be publishable in that way, and there's always going to be an issue about whether one person's measure externally is the same as another person's measure. There are going to be all sorts of issues about that.

So, while I recognize that buying data is a valid way of doing this, I think that that ought to be really put on as a second tier to do only if it's very clear that there are significant priorities that cannot be dealt with through internal data, should you be looking at that, because the priority needs to be trust in the indicators which comes through the reproducibility.

MUKESH CHULANI:

Thank you. Well-noted.

Olivier, you're looking lonely there. You want to join us up here? Before you get settled.

As Steve and Jay rightfully mentioned, beyond just redefining the categories and actually selecting metrics, we also have the task of evaluating where we get those metrics from. Whether

they're grounded in reality, whether the sources are reliable, rigorous, etc. So that's also part of the scope of the effort.

We've worked thus far on the category definitions for the three areas, as I mentioned. This is the work that summarizes what we've put together for marketplace stability. It's a work in progress. It's not final yet, but we're getting closer to final. We had the definition in the original beta report indicating market stability could be represented by more gTLD [registrars and] registry operators entering the marketplace than leaving. So the assumption at that point was you don't have a net-negative market. The Advisory Panel – I think with good sense – pointed that a decrease or consolidation in the market doesn't necessarily mean it's not a stable market. I think that makes very good sense. So we've, in the revised definition, suggested that we would delete that.

The second definition for stability – sorry for the small font – is that, "Service providers are reliable, setting consistent expectations and meeting levels of service for – then we name a bunch of possible interest groups – registrants, Internet users in the global community including registry operators, registrars, law enforcement and Intellectual Property holders." Then you'll see a little asterisk there, even smaller font than everything else. I'm testing your eyesight. Essentially, we don't have a metric for that in the beta report.

So we've revised that to focus more on stability. And we've had a very good suggestion to perhaps look at instability in this case if we can't flip this definition on its head. Maybe flipping it on its head is a better way of proceeding. So the revised definition now reads, "Registries and registrars consistently deliver against their contractual obligations, thereby preventing instability that harm registrants."

If it's in blue, it's a proposed definition. We're just showing what changed. And I open it to the Advisory Panel for any feedback on this attempt at a revised definition, if you think it makes sense, if you think we need to tweak something here.

Steve, go ahead.

STEVE DELBIANCO:

Hey, Mukesh. Just a quick question following up on what Jay Daley said. Flag for us as we go through this if any of the metrics in the revised definition column include external data outside the four walls, because it'll deserve an asterisk for us to come back to later with regard to whether the raw data would be republishable, even in an anonymized fashion. Thanks.

MUKESH CHULANI:

That's a good point, and in fact we've done that for the beta report. The beta report admittedly is a report of convenience.

Whatever data is in that report existed within the four walls, and then we have in the Appendix to that report a whole bunch of proposed metrics which we didn't have within the four walls so it stayed there for now, but we should continue that process. We're not going to forget that.

Stephanie.

STEPHANIE DUCHESNEAU: I may be asking something similar to Steve, but as we go through these concepts and these metrics, is it possible to call out what indicators we're currently thinking of using to capture them, how delivery against contractual obligations would actually be measured by the group?

MUKESH CHULANI: That's the next step. The first step is, we've got the three in the Strategic Goal – robust competition, stable, and trusted – and then you say, “What does that actually mean?” And then you say, “What indicators exist in the real world to measure that?” And then you'd say, “Here's what we have now and here's what we get later on.”

STEPHANIE DUCHESNEAU: So are you saying that the Advisory Committee hasn't yet gotten to the stage of identifying how we would measure it? Or we're just getting to it later in the presentation?

MUKESH CHULANI: We've got some initial feedback, open for discussion, on what we've published in the beta report and whether those remain suitable in light of the changes here.

STEPHANIE DUCHESNEAU: It would be useful to me to include that, at least conversationally, as we go through.

MUKESH CHULANI: Of course.

KRISTINE DORRAIN: My question is why the revised definition removed the service expectations for the global community and replaced it just with registrants.

MUKESH CHULANI: That's a good question and you'll see it in the next slide, actually. What we've done, because this is about contractual obligations, Kristine, then the hinge is only with anyone that we

have a contractual agreement with. So that kind of limits it to the contracted parties. But everybody, else we've moved those groups to the next definition which is "Trust." So that's where they'll pop up again.

KRISTINE [DORRAIN]: Thank you.

MUKESH CHULANI: You're welcome.

We have a comment. Jim, you were about to say something.

JIM PRENDERGAST: I'll yield to somebody online if there's somebody online.

MUKESH CHULANI: Is there? Amy?

AMY BIVINS: There's one comment in the chat from John McCormack. He says that, "ICANN has massive amounts of raw data that can meet a lot of the requirements of these metrics. It's just that it's not organized or distilled in a usable format."

MUKESH CHULANI: Thank you. Thanks for that.

STEVE DELBIANCO: John, can I ask you to do some digging into the Open Data Initiative David Conrad has and help us understand if you think that that begins to satisfy what you're thinking of, of massive amounts of raw data that can be accessed to meet requirements? We need more hands on this Advisory Committee researching that other parallel project, and I know that you're pretty much an expert in the area. Thank you.

MUKESH CHULANI: Jim, you had something to add.

JIM PRENDERGAST: Sure. Thanks. Jim Prendergast with the Galway Strategy Group.

Reading through this, "Registries/registrars consistently deliver against their contractual obligations thereby preventing instability that harm registrants." There are lots of things that the Compliance Team monitors for contractual obligations that have absolutely nothing to do with whether or not you stay in business, for example.

Keeping the abuse point of contact on the website of the registry is something I CANN Compliance looks at but doesn't determine

whether or not my company is profitable and continues to serve my customers. I'm throwing it out there because I don't have the answer and maybe some folks in this room do, but I think there are other things besides not meeting your contractual obligations that could cause harm to registrants.

For example, a registry going out of business and I have a domain registered in that TLD, and suddenly my business has no home on the Internet. But they could have met all their contractual obligations along the way.

MUKESH CHULANI:

That's a good point, Jim. So instability is not just related to what's in the contract. That's what we started off with here.

Steve, you were about to say something.

STEVE DELBIANCO:

Jim brings up a good point, but think about it – the contractual obligations we're speaking of are Service Level Agreements with respect to uptime and response time in the zone. And if a registry goes out of business, those metrics won't be met. It'll be way too late to do anything about it. You'll have to recover and try to find other means of keeping it alive. I'm wondering, Jim, are you thinking we need some early warning indicators of registries or registrars that are approaching a point where their

financial problems might lead them to not meet? Are you looking for an early warning as opposed to waiting until they actually miss their metric?

JIM PRENDERGAST: Not necessarily. I don't know of very many businesses that would say, "Hey, we're going under in six weeks. Help us out." I don't see that playing out. I'm just raising it because suddenly when we boil down the definition like this, I realized there are a whole lot of other sources of instability that could –

MUKESH CHULANI: So what you're saying, Jim, is that this could lead us down to the selection of metrics, right? So if we have the word "Contractual obligations" there, then that will guide our choice of metrics. And so if you think that this needs to be broadened beyond that – that was actually why I was nodding, Steve, is if there are more – let's say – untoward market instances or incidents that cause instability, that harms registrants that goes beyond the contractual obligations, perhaps we can capture that as well. But we won't, given this definition right now.

Stephanie.

STEPHANIE DUCHESNEAU: I just wanted to say that I do agree with Jim on this one, and in response to Steve, it's true that if a registry or a registrar went out of business that they would fail on the metrics, but it's also true that you could fail on the metrics without going out of business. So I think there's some sort of a mapping issue with that I felt with – I haven't looked at the most current iteration of this, but I felt with a lot of the past indicators and the past measurements and how we're mapping them to the bigger concepts.

I also have a procedural question. Is there actually a tracking doc Section 9 that we're supposed to be following along with? Is that something that we have access to?

MUKESH CHULANI: Yes, that's publicly available, the comment tracking sheet. So every single comment made by members of the Advisory Panel, the advice provided, it's documented and it's listed in the... It should be in the community wiki for this group. You can access it there.

STEPHANIE DUCHESNEAU: Thank you.

MUKESH CHULANI: Denise, go ahead.

DENISE MICHEL: Hi. Denise Michel with Facebook. Could you elaborate on your reference to additional data sources in the Annex I believe you said, or footnoted? Can you give us some more insight into the timing of pursuing those, what your plan is? Thanks.

MUKESH CHULANI: Good question. Thank you, Denise. What we did when the effort went out for public comment – because there was of course a lot of input on what metrics might be salient – without prejudicing the quality of that input, we looked at what we had within our four walls. There was a subset which we could deliver within the beta reports, and we proceeded to do that. And we wanted to note those other metrics which we didn't have. There's perhaps the requirement for us to look at whether those remain relevant in light of these revised definitions, and that's part of the discussions that the Advisory Panel will go through.

We haven't started looking at those, searching for whether the data exists or not. But it might not be the right time to do it given that definitions are changing anyway. So we change the definitions, we lock down the definitions, then we go to the actual metrics. Probably that makes more sense.

Jay.

JAY DALEY:

Thanks. I think Steve’s point about early warning indicators is perhaps not appropriate for this panel, but from a registry perspective there are three general early warning indicators we see that a registrar will go out of business. One is failure to pay, the second one is failure to cancel. If they cease to cancel people’s domain names, that generally means someone’s stopped working there and doing things. And the third one is failure to answer support calls and Twitter [explodes]. Those three, generally if you get two of those three, you know the registrar is in serious trouble.

MUKESH CHULANI:

Very interesting.

Any further comments on the marketplace stability category definition? On the line? Nothing?

Okay, so the next one we looked at was trust. The original category definition for trust was that, “Service providers, gTLD operators, registrars, and registrants – note that we had gTLD everywhere, so we’ve subsequently revised that – so that those are compliant with their contractual obligations and perceived to be trustworthy.” And we’ve revised that since.

So here, I think we had the question earlier of where the global community went when we were talking about stability, and you'll see they're here now. So here we looked at... It's almost like we flipped it. When we looked at the contractual obligations here we thought that made more sense, looking at instability. And then where we had the other groups here looking at stability, we've moved them to trust where perhaps it makes more sense here according to the Advisory Panel. And it does make more sense.

So here we look now at the revised definition for the first point of, "Demonstrated operational success of domain name industry safeguards for registrants, Internet users, and the global community, including law enforcement and Intellectual Property holders." That's the first point.

And the second point we had "Perceived to be trustworthy," and with discussions with the Advisory Panel, we came to a consensus that perhaps having perception questions – yes, of course, you can gather the data, but you would measure only the changes in perception of trustworthiness, plus the word "Trustworthy" would mean very different things to very different people. So we're really loading it up, loading up and loading up. We just decided to delete it. It doesn't make sense.

Any feedback from the Advisory Panel or from the wider community here on the revised definition, what you think of it?

KRISTINE DORRAIN: I have a question, you said the “Domain name industry safeguards.” Do you define that somewhere? Is there a list of those?

MUKESH CHULANI: That’s a good point, and actually during the survey which we had with the Advisory Panel members, that also came up that it may be a loaded word. It may have already inherent meaning to it. And that’s been built in without what you’re describing yet. It’s just a definition for now. Just coming to the understanding of what that might mean. And actually, I might ask Jim to explain his thoughts a little bit more because he actually caught this, so he can perhaps give us more context.

JIM PRENDERGAST: Not to put me on the spot.

MUKESH CHULANI: No, I didn’t intend to.

JIM PRENDERGAST: But we've got Mason in the middle, too, so he may be able to lend some insight into this as well.

Yes, that term "Safeguard" suddenly is a hot potato I think a little bit in the community with the evolution of the Compliance Department, the hiring of a Director of Consumer Safeguards. I think that's still to be determined what that actually means and what it includes. I didn't get into it to the detail that you did, but I just think we need to tread carefully around this term for the moment until everything that Compliance and everybody else who's taking charge of this within ICANN organization gets their footing under them and we can then follow off of that I think.

KRISTINE DORRAIN: Can I ask a follow-up?

MUKESH CHULANI: Sure. [Of course].

KRISTINE DORRAIN: As far as the wording goes, you have the domain name industry safeguards in there, but it's also possible to tie that back to contractual compliance because all of the contracted parties do have safeguards sort of built into their contracts as well. So that wouldn't necessarily add a different dimension. It would just

kind of tie back to the contractual compliance standards. Just as a suggestion.

MUKESH CHULANI: Steve, I think we had Mason before you in the queue.

MASON COLE: That's okay.

MUKESH CHULANI: Are you sure?

MASON COLE: Yes.

MUKESH CHULANI: Okay.

STEVE DELBIANCO: [Doreen], the way this definition is structured though, it's not just about measuring the compliance of a contract party with its contractual obligations. It's broader. The entity called "ICANN" is involved in this definition, because when you come down to whether law enforcement, IP and other entities that lodge complaints with ICANN, are those complaints resolved, are

breaches remedied? That is an ICANN Compliance function, not a contractual compliance of the actual contracted parties.

There was an effort here to try to put quantitative, traceable, verifiable, operational data in preeminence as opposed to surveys of the general public who may or may not understand the distinctions between contract parties and ICANN in an attempt to measure whether trust is increasing or decreasing. We knew we could do that. You could spend enough money and do enough surveys to see whether the world feels like they trust the domain name system, but this is an effort to avoid that and use operational data. And some of that operational data is not about the contract party itself but about ICANN Compliance Department.

KRISTINE DORRAIN: That's helpful. Thank you.

MUKESH CHULANI: Mason.

MASON COLE: Thank you, Mukesh. I just wanted to follow up on what Kristine was asking about and what Steve was just saying. In our experience and in my previous experience with a registrar, I

think we may need to fine tune this a little bit because there can be instances where problems are reported to ICANN where basically they're overreported. The reporting system can be at best misused, at worst abused to try to engineer an outcome that the reporter is trying to achieve.

The other thing I wanted to bring up here is the word "Operational." Where it says, "Demonstrated operational success of industry safeguards," does that mean, for example, that there's a metric of some kind that says, "X number of content providers or trademarks were violated according to IP safeguards?" I guess I just have a question of what that eventually may look like because the word "Operational" in there indicates that you're measuring the operation of a safeguard itself. Open question.

MUKESH CHULANI:

I don't think we really covered that point within the Advisory Panel yet. I think that's something we need to think about, I think. To the audience, every word is being scrutinized. You see how we're going through this with such granularity. So when we choose metrics subsequent to this, we don't want to put a random word there which might lead us down a path we don't want to go down. That's this kind of granularity that's happening in the review of the definition. That's actually a valid

point. I don't have the answer, but we can bring it to the wider panel.

OLIVIER CREPIN-LEBLOND: [Inaudible]

MUKESH CHULANI: Of course, Olivier.

OLIVIER CREPIN-LEBLOND: Thanks. I think you will have noticed that throughout our process of determining the different categories, we've been trying to avoid two things. On the one side, we've been trying to avoid any of the categories to be something that's so subjective like "Trustworthy." Such a wooly word and something that can't really be defined as such or interpreted in so many different ways. And on the other side we've been trying to avoid any tick box scenario, because sometimes you can tick the boxes – for example the contractual obligations, – and yet not really qualify for the overall definition, in this case the definition for "Trust."

That's why we're here, to present this and to get more feedback. And of course, we hadn't thought about what's operational in that sense, so it's something that we can work on again in the future. Thank you.

MUKESH CHULANI: Thank you. I'm also happy that you used the word "We." That really makes me happy.

ROLAND LAPLANTE: I'm Roland LaPlante with Afiliis. I think we're making a lot of progress on this. I think this "Perceived to be trustworthy," the] fact that you've moved away from that to something that's a little less squishy is really good. Going back to the comment about picking on particular words, I want to ask a little bit about the word "Demonstrated." And I know we have to find metrics for this, but my question is more about who has to demonstrate this to who, because I've seen any number of RFPs that says, "Demonstrate your ability to do blah-blah-blah."

That can be a two-paragraph answer. That could be 25 pages of stuff. And if this kind of thing turns into 25 pages of stuff every quarter that registries and registrars have to put out, it's a huge tax of energy and effort on the industry, especially for those of us who are actually able to demonstrate this. And it's probably an even bigger tax on the folks who can't demonstrate it, because their answers would be much more long and misleading to some extent as they attempt to figure out how to demonstrate that they're meeting some standard that they're actually not meeting.

So in the spirit of picking on individual words, I would offer “Demonstrated” as one of the things we really need to think about.

MUKESH CHULANI:

Thank you. Any other input, any other feedback on this?

So we go to the next one which is robust competition, and is really the purpose why I have animation in the slides. We’ve got quite a few buckets here. For robust competition, our first cut in the beta report, we said diversity exists. So robust competition means that, “Diversity exists in the choice of a service provider including geography, scripts offered, languages offered, and service model.” Again, whatever’s there with an asterisk we didn’t have anything for that in the beta report.

And in the revised definition you’ll see the changes marked in blue. So we now say – if you look at the original category definition, it’s very much framed on the service provider – diversity exists in the choice of a service provider – and now we’re actually putting the registrant as the basis. So, “Registrants should have a choice for which domains they can purchase, where they can purchase them, as characterized by geographical spread of registrants.”

Some feedback came through both the public comment and in working with the Advisory Panel that geography in and of itself when we look at the geographical spread of registries and registrars, which we actually presented in the beta report, it didn't make a whole lot of sense given that it's a global business. So where they're headquartered doesn't really impact who they're serving. With that came the suggestion to update this to "Geographical spread of registrants."

"Scripts offered and languages offered," we modified to, "Domain names are available across languages and character scripts," but it's not sufficient to evaluate whether the domain name is available. It's also important to note whether the supplier's terms and conditions are available in languages and character scripts. So we've expanded this.

Stephanie, I'm sorry. You're squinting. It's really small font.

And then for "Service model," it's too broad. What does that mean? So we had a variety of payment methods. We also used to have variety of pricing models, but subsequent meetings we've got advice that perhaps that might be an overreach by ICANN, that perhaps that's not the way to proceed. So that's the first cut at a revised definition for robust competition, definition one.

Steve, you have a comment.

STEVE DELBIANCO:

Thanks. I love the way you presented it, but at the beginning you said that from the original to now we made a change by starting with “Registrants.” That’s no change at all in my opinion. I believe this always focused on competition in the eyes of the beholder. And the scenario, the use case that we used was an aspiring registrant who might be in some part of the world where the users that she wants to target with her website are users who prefer Arabic language and the Arabic script. And this potential registrant, the only thing that robust competition means is when she approaches the idea of, “I wonder where I should register my domain name and I wonder which registrars I should look at,” she would look at registrars who offer the script in language for the actual domain name in the TLD but she’d want to be able to find a website that explains to her what the pricing, privacy and proxy services are, and it would have to explain it in a language that she can read and understand.

It was probably Olivier who suggested if she gets all the way down and is happy to go but the registrar won’t take a credit card from her country, then we’ll have failed to provide robust competition. So we didn’t really change, we just clarified that the question of competition only matters to the registrant. They’re the ones making a decision where to register their name and through whom, through which registrar, to do it. And if the

registrants are able to put up the sites they want in the face of robust competition, then the end users that those registrants wish to serve will benefit from the sites that have been put up.

MUKESH CHULANI: Steve, noted. I actually really appreciate that perspective. If you look at the original category definition, we didn't use the word "Registrant" a single instance.

STEVE DELBIANCO: [We probably meant it, though].

MUKESH CHULANI: I hope we meant it. But it's there now. It's very clear now. It's unmistakably there now.

Stephanie.

STEPHANIE DUCHESNEAU: I wanted to say that I actually appreciate the way that this has been termed. I thought that the prior framing which I think was just around registrars offering IDN registrations or offering registrations in different regions was problematic.

Another way I think we could drill into this even further that I think would do well to capture competition in different regions

would be to take registrants who use particular scripts or who are in particular regions and actually look at spreads within that registrant pool. But I do appreciate the changes to this metric made so far.

MUKESH CHULANI:

Thank you. The point is actually that our choice of metrics, when we get the choice of metrics, we may not need different metrics. They may be the exact same metrics that we present, just the utility of the metric is attached to the definition. So when we get to – if we get to – a review of the actual beta metrics, you’ll see that a lot of the metrics are suggested to remain relevant, but it’s just the anchor has changed, the perspective of why they’re relevant has changed.

We’ll see. More discussion required there.

Yes.

ROLAND LAPLANTE:

Can we add something to this that’s related to actual marketplace demand?

MUKESH CHULANI:

Good point, and we’ll get to there. This is animation one of like 75.

ROLAND LAPLANTE: So we're evolving to that?

MUKESH CHULANI: Yes. We're getting there.

KRISTINE DORRAIN: I also agree with Stephanie. I really like this reformulation. My question maybe is putting the cart before the horse, but in this definition, eventually you're going to capture metrics and then supposedly there'll be some sort of an outcome. If this is targeted to registrants sort of passively, they should have a choice. Is there sort of a flipside that says the other way is registries, registrars, somebody has an obligation to do some of those things? Are you looking ahead to what that future obligation is going to be? We all know universal acceptance is a problem, so are we looking ahead to that as you're writing the definition?

MUKESH CHULANI: Every time somebody has intended to look ahead, I try to remind them that it's too early. I think if we don't build the bricks right – this is building the bricks – then later on we choose what color to paint the house. It's very simplistic. I apologize for that kind of

simile or whatever, but we have to get the definition right and then we'll come to the metrics. I think your point will be covered also by subsequent – one of those animations I'll show, but we've kind of pulled back.

KRISTINE DORRAIN: Okay. Well, I know –

MUKESH CHULANI: Steve has a comment.

STEVE DELBIANCO: In response to you, I think you brought up a great point with respect to the universal acceptance. But do we consider that to be the responsibility of the registrars and registries that would deliver the robust competition in this definition? Not necessarily. It's more about ISP and application builders who left ancient code in there that won't even accept it. So while it is part of being able to have benefit of this site that she registered, it isn't the responsibility of the marketplace of registrars and registries to ensure universal acceptance.

I want to note that it's critical to whether they'll deliver the service to the end user community, but it's not part of measuring it.

And then you said, would this somehow imply an obligation? I sure hope not. This is a market-based, private sector, demand-driven organization, and the KPI got created and the KP said “Measure competition,” so we’re trying to come up with ways to measure whether competition matters in the eyes of the only person that matters, and that’s the registrants.

And if we do these metrics and measure them every six months and it shows that the trend is down or that it’s not adequate, it would suggest that the community may need more market-based incentives to attract more registrars and registries to offer this stuff. But I don’t believe that can ever translate to an obligation in a private sector led organization.

KRRISTINE DORRAIN:

Thank you. The reason I asked that question was because of the answer before that talked about going to contractual compliance and pulling data from ICANN. So if we’re going to pull that data from ICANN, how is that data going to get into ICANN? So that’s sort of the reason I was coming at that question.

MUKESH CHULANI:

Thank you.

STEPHANIE DUCHESNEAU: Separate from that – sorry.

MUKESH CHULANI: [You can respond] –

STEVE DELBIANCO: Stephanie, real quick, the point about data from ICANN – if ICANN contracted with a third party to walk through the registrars and the data would reveal the extent to which registrars were offering Arabic script for their terms and conditions and accepting payment, then that data would be gathered by ICANN or a contractor and it would be publishable because it's public information. It's public whether or not GoDaddy has an Arabic script page accessible to people in North Africa.

So while it isn't part of contractual compliance, it is data that could be obtained by and published by ICANN. You shouldn't presume that everything in here comes from contractual compliance. It may come from ICANN but not be part of that.

MUKESH CHULANI: And also, again, like Steve is discussing some potential metrics, but there's a wider Advisory Panel too who can expand upon those, identify different data sources which may already exist.

And then we come to what Jay mentioned, is how do we present it? If we have rich data that's updated every day, that can be presented very differently. We're getting there.

STEPHANIE DUCHESNEAU: This is in response to both Steve and Kristine. I just want to make sure that what we're trying to do is capture big picture trends in the market and not ascribe responsibility or ascribe blame. I think something like universal acceptance that we all think is important, I can see that having a direct impact on something like user trust.

I can actually see it much more than some of the other metrics that have been proposed, like some of the contractual stuff which I think is pretty obscure to a registrant. I think UA is very visible and can create bad experiences. And regardless of whether that's registry or registrar's responsibility, I fully agree with Steve that that has a lot more to do with ISPs. I think it's important to capture, because it is a real metric and it is going to have real impacts on registrants and end users' trust.

MUKESH CHULANI: Thank you.

STEVE DELBIANCO: I say we should add that to the trust – let’s add that, capture that for the purpose of trust, that consider measuring universal acceptance as a way of asserting whether the registrants and users trust that having obtained a domain name and an e-mail address, that it actually works. It doesn’t feel like a safeguard element of trust. It gets to the notion of, “Do I trust that the promises made by the registrar and registry when I registered the domain name are actually being delivered?”

MUKESH CHULANI: We can take it to the Advisory Panel. Steve, is it perhaps already covered? When we talk about this next level, is that actually a metric that can already fit in given our current definition?

STEVE DELBIANCO: I looked ahead, I’m sorry. I peeked ahead, and I don’t think it fits anywhere else yet.

MUKESH CHULANI: Okay.

STEVE DELBIANCO: And so we don’t lose it. We just need a place to park Stephanie’s point.

MUKESH CHULANI:

Yes. Thank you. Thanks, Stephanie.

Okay, so I'm going ahead. The second definition under robust competition is that, "The commercial marketplace is thriving," which we subsequently struck out. We kept the second portion of that clause, "Is demonstrated by the growth in new gTLDs and across gTLDs" is what it used to read. Now "growth" means what? Growth of users? Growth in number of domains? What we had out of convenience again was "Growth in number of domains" because we had that within our four walls. We've given the advice that that might not be the best choice, we've suggested to replace that with "Adoption." And you'll note that there's no gTLDs. It's TLDs now.

So the thing is "adoption" carries its own baggage, right? "Adoption" is vague. Are we talking about uptake? Are we talking about end user adoption? We have to do a little more thinking on this, and I think Andy raised this as well. Andy Simpson raised this in a previous session that "Adoption" is still possibly problematic. So if there are any suggestions, we're open to that. Any thoughts on this?

JIM PRENDERGAST:

I'll make a suggestion without actually having done my homework. The CCT Review Team just released a pretty robust report. I don't know if they touch on this "Adoption" question or

not, but if anybody's read it, maybe they can let me know if they have or not. But that might be someplace to look to.

STEVE DELBIANCO:

Mukesh, I can give a partial answer on that. The work over three years in CCT included the definition of a lot of metrics that would be captured by ICANN even before the CCT came into existence so that they would have something to lean on. And we definitely had multiple flavors of adoption, because it's one thing to register a domain name in a new TLD, but if that registration wasn't live, that might be adopted but parked.

If it was simply redirected to an existing legacy TLD, that's a different kind of adoption. And if it was adopted and then used as the primary domain name for that particular registrant, that's a higher level of adoption. What's harder to measure is whether the registrant is actually advertising themselves to their target community using that new gTLD domain name, or do they continue to use a legacy one? That's harder to measure and that will change over time.

But "Adoption" has multiple levels of seriousness. How serious are you if you dropped \$45 on a domain name and did nothing with it, you didn't resolve it? Versus how serious are you when you're redirecting to your existing page but at least you're advertising and demonstrating that the new domain name

resolves? Those are different levels of adoption and we may want to impart that.

To Kristine and Stephanie’s point about universal acceptance, you might even think, ‘Oh, maybe adoption is where we could hook this universal acceptance.’ You might, but it really wouldn’t have anything to do with competition. This is under the robust competition set of goals. Again, universal acceptance doesn’t have a role in competition because the registrars and registries, the industry, could have done everything possible to provide competitive choices, but these e-mail clients won’t accept the domain name. It’s really not their fault. So we didn’t want to impair this measurement of competition with something that was outside their control.

MUKESH CHULANI:

So Steve, just a question. Do you think that “Adoption” is too broad given that it could be a catch-all for anything and everything? If you look at the statement now, it’s, “Demonstrated by – ” the word “X” – “of new TLDs and across all TLDs.” That word there, “Adoption,” can anything and everything fit into it? “Adoption” of everything. Is it too broad [inaudible]

STEVE DELBIANCO: Thank you, Mukesh. I believe it's okay for now. Just like with many things we've said, we're going to have to drill down to say what it means. But I do hope that adoption will have at least three flavors: acquired not resolved, acquired redirect, acquired and resolving to a unique site. And if those data can be obtained by walking the zone, doing a statistical sample, then we really start to gain an understanding of the extent to which the new TLDs, – the industry itself – is seeing increased adoption as opposed to people buying multiple names that direct to the same content.

So I think that we can go with “Adoption” for now, but understand we may have two or three flavors.

MUKESH CHULANI: Okay. Thank you. Any other input on this from the members of the panel?

Olivier.

OLIVIER CREPIN-LEBLOND: Thanks. Just speaking about the CCTRT report, I did have a quick scope through it this morning actually and there was a paragraph that does speak about – not explicitly using the term “Adoption,” but it talks, of course, about the growth of all new gTLDs and the established ones, but it also look at the possibility

that organizations, companies, registrants that have a choice of taking a new domain name from a legacy gTLD have actually in their majority now looked at actually using the new gTLDs. So this actually is somehow demonstrated by adoption of new TLDs and across all TLDs. [They word it] in a different way, but it's along that line. So we probably have to do some refining on this.

MUKESH CHULANI: Okay. Thank you.

We have a comment in the chat.

AMY BIVINS: We have a comment from John McCormack. “The problem with CCT’s definitions and data on parking is that they are not reliable. It would be risky to use it as any basis for the “doption” element and needs more consideration.”

MUKESH CHULANI: Thank you.

So our next definition here is whether the marketplace was open to new players, and the definition of “New players” has subsequently been expanded. So “New players” was too broad and we’ve upped that now to what we view to be the end-to-end

supply chain, so, “Backend technology service providers, registries, registrars, resellers.”

Here’s another perception question which we deleted, “Perceived to be fair,” for the same reason that we deleted, “Perceived to be trustworthy.” This has been deleted: “Perceived to be fair.”

And then the last one is where we get at perhaps a different angle of the competition here. We used to have, “The marketplace is not dependent on one or a small number of players.” This gets at market concentration. And we’ve updated that to, “The TLD marketplace as a whole is not dependent on a small number of...” And then we name all parties of the supply chain again: “Backend technology service providers, registries, registrars and resellers.”

Any thoughts from...

KRISTINE DORRAIN:

I don’t really oppose the changes that you have there, but I think one of the things you did in itemizing them to the “backend technology service providers, registries, registrars and resellers” is that you kind of foreclose the possibility of something totally new. Somebody in this room could invent something super cool and awesome that fits in this scheme and doesn’t fall into one of

those buckets but provides something to the community and could contribute to the marketplace and the exchange of domain names or the use or registration of domain names. And also, I would encourage you to just leave – the list is fine – but leave an open-ended component to it that says, “Hey, we really want new ideas to fill the marketplace, not just the existing technologies that already exist.”

MUKESH CHULANI:

Kristine, it’s an interesting point. In fact, the effort was to remove anything that was vague because that could possibly lead our choice of metrics down to a wrong path. So when you get your definitions together, you try to build a box around it. But what you’re describing is perhaps the market evolution. You’re missing out on that chance of having metrics which capture market evolution by doing that. So we’ll take that in consideration within the panel.

The problem is we don’t want to go back to the type of language we used to have, “Small number of players,” but on the other hand you’re describing something as well.

STEVE DELBIANCO: Kristine’s point could be easily accommodated. We’d stop after the word “providers,” comma, and say, “including registries, registrars, resellers, hosting services, blog services, etc.”

MUKESH CHULANI: Or “At least” or for “at least the following.”

Jay.

JAY DALEY: Have you considered turning this one around the other way so that instead of talking about number of providers you talk about the power of providers and say that, “The TLD marketplace should not have providers who have excess control of the market”? That’s the normal way that it’s defined when you use a market concentration index.

MUKESH CHULANI: Jay, you don’t see that as – are we then limiting ourselves to the [Hirschman] and that’s it and nothing else if we use that as our competition category definition?

JAY DALEY: You can use other indexes if you don’t want to. There are about four of those. The point being that you’re talking not about saying that it’s dependent on one or a small number of players is

not the right way to put it. It's about the impact of one or a small number of players is that people have too much control of the market. That's what you want to measure, is the control that people have of the market which may be different in different circumstances.

MUKESH CHULANI: Interesting point. We'll take it within the panel as well. I'll make sure that that's raised.

Olivier.

OLIVIER CREPIN-LEBLOND: Thanks. I could suggest just that, "The TLD marketplace as a whole is not proportionally dependent on a small number of backend..." etc. You're looking at #4.

JAY DALEY: Sorry, that's going into the details of a particular index. No, I wouldn't say that. The impact, the thing that we're worried about is that people will have too much power in the market and therefore there will not be competition, and that's specifically what we should address.

MUKESH CHULANI: Thanks for the clarification.

ROLAND LAPLANTE: Is this the time for me to make my marketplace comment?

MUKESH CHULANI: Yes. This is where we had thought it fits. So now you can come up and say it.

ROLAND LAPLANTE: Very good. Number one, this troubles me for a number of reasons, but more than anything because I heard the comment about if GoDaddy doesn't provide its terms and services in Arabic that might be a problem. It led me to think that we're thinking, number one, that every provider has to provide all aspects of every service, which is just ridiculous from a marketplace standpoint. And I see Steve's shaking his head, so it looks like that's not what he meant.

But I'm not sure this is really a good definition of what robust competition would be, because I can tell you we're doing the backend work for India, for .in – and I know this is gTLD land and not ICANN land – but we were doing .IDNs for 20 different Indian languages and we've been literally giving these away, offering these for free, to registrars for about 12 months now and we have not got any of them in the market. There's no market for this now.

I'm not saying it's a bad thing to offer them, but the marketplace is saying, "We're not interested right now." So to require providers to offer services that the marketplace doesn't want and then to potentially pan them because they're not selling them and they're not getting adoption of them I think is not going to help us in terms of reinforcing the concept of robust competition.

In terms of adoption of new TLDs, I think this one needs a lot more work, because if I bought 500,000 XYZs and I adopted them for the use in spam, I don't think any of us would think that was a good idea, but it would be great adoption.

And on #4, "Dependent on a small number of backend technology service providers and registries," we fail on that one today. 80% of the gTLD business is in one place. It's been like that for 15 years, ever since I've been in the business. It's going to be like that for a while longer for sure. And this is an automatic fail for the foreseeable future. In any business, you're going to see 80% of the business being done by 20% of the providers no matter what's going on, so I don't think this structure is going to help us understand what robust competition's all about. So I think this one needs some more work as well.

MUKESH CHULANI: Thanks for the feedback. I think a lot of your feedback relates to the next step beyond this. So actually when we say, “The marketplace as a whole is not dependent on a small number...” 3-500 different metrics could fit under that bucket. We’re not suggesting that what you’ve described is the right metric to use. We’ll get there. Once we choose the actual metrics that fit, the Advisory Panel will I’m sure raise what you’re raising as well. If you’re not on the Advisory Panel, I’d love to invite you to join the Advisory Panel.

ROLAND LAPLANTE: The purpose of this is to build a structure that the metrics will [on-]

MUKESH CHULANI: Yes. So, are you saying that the structure itself, there’s no flexibility underneath this structure to choose metrics which perhaps show multiple views?

ROLAND LAPLANTE: I think you’ve predetermined the answer, and at least in the registry service provider registry area on #4, that’s a fail. And that’s going to fail for a long time.

MUKESH CHULANI: Because that's not the intention. The intention is to choose a definition that – okay, we build a box, but 3-500 metrics can possibly fit in that box. It's not that we're limiting ourselves to one or two or three metrics. We have a choice of metrics, and then –

ROLAND LAPLANTE: Well, that's inescapable on technology service providers and registries. It's inescapable. If this is the definition of not being dependent on one or more players, this is a fail for a long time. And if that's what we want to have when we measure whether our marketplace is healthy or not, then the indication's going to be something has to be done about that. But I don't know what could be done about it, because this is where the marketplace is right now and it's going to be like this for a while longer.

MUKESH CHULANI: Okay. Point taken.
Steve, you're about to say something.

STEVE DELBIANCO: Roland, I was nodding because it would be tragic if you interpreted the example I was giving as implying there could or should or would ever be an obligation –

ROLAND LAPLANTE: [I'm glad to see you shaking your head.]

STEVE DELBIANCO: Right. And you may have missed some of that earlier conversation that was bringing up examples. This panel came together to try to find something to do with that anchor around our waist, that anchor of 2.3 in the KPI which said – this was a leftover from Fadi Chehadé's drive to raise the visibility of registrars and registries in the domain name industry so people would know who he was when he walked into a meeting.

That's a carryover. We're still trying to figure out whether that makes sense. So it was all about healthiness of the marketplace. Instead, we're asking ourselves if we measure robust competition, there are at least two completely different perspectives. There's the perspective of a registrant who doesn't actually care if every single registrar used the same backend or every single [registry]. That is of no consequence whatsoever to a registrant who really just wants choices among competing providers.

There are many times that a registrant in North Africa looking for an Arabic script registrar with Arabic script TLDs doesn't really care if they have one choice as long as they have a choice, but

ideally if you look at competition, you'd have more than one. And the absence of a registrar or two serving a particular script with their terms of service in that person's language, that is a gap against ICANN's mission of global Internet reach. It is a gap. Is it a problem that has to be solved? Probably it's something we want to pay attention to, but it doesn't mean you create obligations on parties. That's never been implied here.

The second kind of competition – I said the first was registrants seeing a robust competition – the second kind is that those of you running registrars and registries, those of you standing up the choices for consumers, do you have choices in your backend services? That's a completely different perspective, and it's one that probably is a little easier to get a handle on because it's hundreds – if maybe thousands – of competitors. It's not millions and millions of people to look at.

So it may be that one or two competitors is enough and your 80/20 rule is exactly true in our industry. You're exactly right that 80% of the volume will be captured by the top 20%, which might only be two or three providers. So we shouldn't tread carelessly into the HHI and other kind of classical antitrust measures of competition, but we have to be very careful about it. And yet if we determine that there are very few people offering IDN based script backend registry services, if that became an issue, it'd be interesting for the community to debate what can we do to

improve that? And it could be market incentives that you do to improve it, but you don't create obligations out of it.

I hope you would agree that the registrant perspective of competition is completely different than the supplier side. And that was something that was captured in the Consumer Trust, Competition and Choice report that's out for public comment right now.

OLIVIER CREPIN-LEBLOND: Thanks. Two things. I've heard the term 'Obligation' being used a couple of times already here, and I think that there's no such thing as obligation as such, it's just tracking at this stage in time. But secondly, when it comes down to the tracking, it's not just a Boolean or a yes or no answer. It's not a binary operation, yes, pass, fail. If we can track trends, at least we can see "Well, we might not be doing well at the present," or it might be "Fail" at present, but we can see the trends over the years of whether this is improving or whether this is not improving. And I think that's probably one of the worthy parts of the tracking section. It's not just a one-off operation. It's over several years, see if the trends go in one direction or another and if something has to be done about it or not.

MUKESH CHULANI: Thank you, Olivier.

Stephanie, just one minor point before I get to you. Actually, this is a large reason why we've renamed the project, because the perception of the word "Index" to some meant green/red and we tried to be careful not to insinuate that. So we're taking – at a word level – consideration of this. That's not the intention of this project. This is not a score card for pass or fail, and we've had Cyrus Namazi in the past in Hyderabad also reaffirm that. Thank you.

Stephanie.

STEPHANIE DUCHESNEAU: I wanted to say first that I really liked Steve's characterization of the two different kinds of competition and the concept of competition as it's visible to someone looking for Arabic TLDs. That was exactly why I spoke to potentially looking into further cross-segmentation of availability across particular geographies and particular scripts on the prior slide. So thank you for characterizing it better than I did.

In response to Roland's last point, there's another one that I worry we fall down on right now that is even more problematic which is #3, "The TLD marketplace is open to ... registries." Because right now it's a closed application process. There can't

be any new registries. As long as that stays closed, we're basically always going to be at zero.

MUKESH CHULANI:

Thank you, Stephanie. In fact, we also learned for instance the Hirschfield index which points to concentration may not be the best indicator for registries because you had an influx, so you de-consolidated the market and now you're measuring consolidation after you've de-consolidated it. So we are aware of this. Thank you, though, for re-emphasizing it.

Any other input from the panel members on the robust competition updates? From the audience? From the call?

Okay. It's Sunday.

Actually, we have nine minutes left for today's session and I did have about 30 more slides prepared. So close your eyes as I go through them, and then we'll hit the end. This is where we go through the beta metrics. Close your eyes.

Amy, can you take me through to the end? Here we go.

UNIDENTIFIED MALE:

You weren't joking.

MUKESH CHULANI:

I wasn't.

Our next steps are, of course, we have the tracking document. At the bottom of each of those slides, you saw this green box pointing you to which section of the tracking document it refers to. Of course, we will update the tracking document based on the inputs from today. Then we do need to lock down our category definitions as our next steps. We will update the category definitions based on feedback thus far and we will discuss that in our next session with the Advisory Panel in the fourth week of April.

And then, of course, we go through those slides which I fast forwarded through. We'll circulate the PowerPoint back to the Advisory Panel. It will be on the community wiki for anyone else that's interested in accessing that. You'll see the results of the survey. And then we look forward to getting more inputs from you on that.

So the next working session, I'll determine the best time by sending you folks a Doodle poll as I normally do. I've received feedback that perhaps I've done it with very little lead time in the past, so I'll try to do it a bit earlier this time.

I thank you all again for your feedback and your support thus far.

Steve.

STEVE DELBIANCO: Thanks, Mukesh. Before we run out of time, earlier on I suggested that given the Chief Executive’s letter to the CSG which I’ve shared with you, the Open Data Initiative Pilot deserves study as a next step, and if the rest of the Advisory Panel would agree, we would request that you would devote some of your time that’s allocated to this project to get up to speed on what’s in the ODI Pilot so that you would be able to advise us on the kind of data underlying the metrics that’s already planning to be published in the Open Data Initiative, and if there’s some category of their data in a Venn diagram that covers the data we’re speaking of, it suggests huge efficiencies that can be achieved by working off of a parallel data project that’s being funded separately than yours.

MUKESH CHULANI: That’ll make our lives easier, certainly, if they’re already trying to present data which we then piggy back on because we know that it’s relevant.

STEVE DELBIANCO: But may I clarify? I don't believe the Open Data Initiative pilot publishes anything and presents anything. I think they make it available.

MUKESH CHULANI: Okay.

STEVE DELBIANCO: And there'll be [MP] APIs, queries or downloads as a way to get it, and then you, the data user, you do your own presentations.

MUKESH CHULANI: Yes, that makes sense. I think that makes sense, yes.

STEVE DELBIANCO: So it's not about presenting. They won't necessarily present metrics and present indices. I think it's about –

MUKESH CHULANI: Serving up, I guess.

STEVE DELBIANCO: Data.

MUKASH CHULANI: The data would be served up [inaudible].

STEVE DELBIANCO: Right, making it accessible. And if they do, if the data that is being made accessible is the same data that we anticipate being necessary to fulfill these metrics, then it would steer us towards those metrics and away from metrics that aren't supported at all.

MUKESH CHULANI: Yes. Makes sense.

STEVE DELBIANCO: Thank you.

MUKESH CHULANI: And again, a plug for that. That's happening 9:00 to 10:30 on Thursday, March 16, Hall A1: "Towards a Data-Driven ICANN."

Jay, I just plugged your session.

Thank you everyone for your time. Thank you for your support and your humor. Looking forward to continuing with these discussions in the future.

[END OF TRANSCRIPTION]