

**Transcription ICANN Los Angeles
Update on Data and Metrics for Policy Working Group
Monday 13 October 2014**

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Jonathan Zuck: Perfect. You have some great ambient sounds on your line so I guess you'll stay muted until you're talking. So everyone, welcome to the Data Metrics for Policy Making Update. I think we should probably start with just going around the table, we've got a couple new faces and figure out who we are and what kind of meeting we can have this morning. Let's just start down there at the end.

Man: Me?

Jonathan Zuck: You.

Man: (Unintelligible) Bloomberg (beginning).

Jonathan Zuck: Okay.

Theo Kramer: Theo Kramer (unintelligible) Domain Name Services in South Africa, we have a couple of gTLDs (unintelligible).

Jonathan Zuck: Oh great.

Man: (Unintelligible).

Jonathan Zuck: All right. Yes, remember to turn on your microphone when you speak.

Man: (Unintelligible).

(James): Okay, my name is (James) (unintelligible). I work for the government of Zimbabwe. I'm new. I'm a Fellow for ICANN 51. I would like to learn about this working group.

Pam Little: I'm Pam Little from Registry Stakeholder Group.

(Lisa Gogan): (Lisa Gogan) from ICANN staff.

Berry Cobb: Berry Cobb assisting the GNSO policy team.

Steve Chan: Steve Chan, ICANN staff.

Jonathan Zuck: I'm Jonathan Zuck from ACT, the App Association, we're a member of the IPC and I'm the chair of his working group.

Glen de Saint Géry: Glen de Saint Géry, I'm the GNSO Secretariat.

Graeme Bunton: Graeme Bunton from Tucows, Registrars.

David Cake: David Cake, Electronic Frontiers Australia, NCUC and vice chair of the GNSO and very inactive member of this.

Jonathan Zuck: Great. Thanks for coming. And do we have the Adobe room up and going?

Man: It's back up, yes.

Jonathan Zuck: All right great.

Glen de Saint Géry: (Unintelligible) no participants on the line. Nathalie is but she's...

((Crosstalk))

Jonathan Zuck: Oh okay. She's just on the call, right. All right, thank you. So this is Data Metrics for Policy Making Update so we do a little introduction for those that are new or infrequently - oh does that not work? All right.

((Crosstalk))

Jonathan Zuck: So, you know, why is this group important? You know, it feels a little bit like a red-headed step child sometimes because it's not non-PDP in front of it. But the reality is what we're trying to do is be reformers within the PDP process and look for some new processes to ensure greater use of data and fact-based decision making.

So workgroups that benefit from data and for the fact-based decision making and solution definition and so what we're trying to do is figure out how to inject data into the PDP processes in the future.

Next slide. So as far as a progress report, the first phase of this was to actually look at a number of workgroup efforts and look at gaps in the use of data and metrics in their deliberations. And from that, try to extract a set of use cases or scenarios in which data could have been used, should have been used and how it would have been helpful and from that come up with these use cases that we can use going forward to try and make use of data in those circumstances going forward.

I am next step is to develop a framework to use data and metrics in working groups, to instill a fact-based decision-making in the PDP process especially generation of deliverables and then also come up with a set of guidelines for requesting data whether it's from outside parties, from staff or from contracted parties, so there's a lot of potential sources for data as well.

Go ahead. So sort of broken down in terms of how data might get used. There's different phases of every PDP so the first thing is the issue report done by staff and so there's this idea of non-normative quantification of the issue at hand, right, so that part of the job of staff - issue report in theory would be to incorporate data and make it a part of the issue report in as a politically uncharged way as possible, so not do the work of the chartering team that really help to try and lay out in a quantitative way the nature of the problem.

Then the chartering team, when they're drafting the charter, would again define the project scope and then so assess metrics potentially and use data to do that at which point the working group would refine the scope, try to develop their proposed solutions to the problem and then redefine the success metrics and establish a review timeline.

So another component of this is a recommendation that probably the staff, probably not a seated team, would go back and look at a year later, or in a timeline defined by the working group, look at the data again and use those data sources and the metrics associated with them to determine whether or not the proposal that had been put in place with the working group was indeed a success.

And so then the review team, whatever that is, probably staff, would then use the data again, a new set of data if you will, to come up with a delta to compare outcomes to the established success metrics.

That all makes sense? These are sort of the areas that we see data getting used. So please speak up if any of this doesn't make sense or if I'm going to quickly. So this is where we thought - how we thought data would be used.

Man: (Unintelligible) data going to be used annually?

Jonathan Zuck: I think that would be defined by the working group. I don't think this - it's in the remit of this group to determine how the frequency or the length of time until a review would happen just that a review should happen.

And so particularly chartered working group, once they came up with their solution set would probably also figure out how long it would actually take for it to show the results that they hoped for, sets metrics for that, so it could be a year, it could be two years, it could be six months. Right, it would just depend on the work.

Man: (Unintelligible).

Jonathan Zuck: Yes, oh sorry, yes.

Woman: And is there a certain points where it gets to be a normal analytic like the rest of us see in the business world, like my nest. I can actually look up things that are relative to me and set that in my MyICANN, you know, app.

Jonathan Zuck: I mean, potentially. And again I think that this particular group is just trying to come up with a set of tools for future working groups. And I feel like it would be difficult to come up with a generic enough solution on that particular point that would apply to all future working groups.

Woman: But could it be designed so it's more like an API so people could actually, you know, right to it if they agreed to the norms?

Jonathan Zuck: And I think that's a very good question. The complexity of that might be the type of data. So right now we're going to establish all kinds of protocols for how to request data from contracted parties for example, if that's where the data needs to come from, transfer statistics or something like that.

So given the overhead associated with the production and normalization of that data it's probably not going to be a live feed that happens in definitely, it's

probably going to be another static request a year out or something for that data.

In other cases compliance data or something like that that's being used, the opportunity - and Pam might be able to speak to this - the opportunity for more of an and more of a live feed that people can check in on at their own leisure seems more likely.

Woman: So I guess my thought is we've seen a lot of this with all, you know, governments trying to figure out how to put data forward; it's put forward in a fashion that's not very usable. And since we're at the beginning of this process, even though you've been talking about it for a long time, it would be very beneficial if we think about how the data is going to be used and how to approach, you know, putting it into a functionality while we're doing this. So I'm very happy to see that you are taking on this task.

Jonathan Zuck: Oh thanks. And that idea of open data came up in our last, maybe the meeting before, there was a lot of discussion about the idea of - the connection of this work to this notion of open data much like what you're describing in terms of governments and how ICANN can make its data sets more available.

And I think that may be a little out of scope for us because we are really just trying to figure out if we can make the work of workgroups more fact-based and more data-based. And I'm worried about opening a can of worms that means nothing happens, right, which is...

((Crosstalk))

Woman: That sounds very unlike you.

Jonathan Zuck: What, not wanting to open a can of worms?

Man: Right, I mean why not like challenge the groups to say, you know, what does some, you know, what gets measured is what gets done. I think you've probably said that a million times.

Man: Right.

Woman: ...why not like to challenge the groups to say, you know, you know, what gets measured is what gets done. I think you've probably said that a million times.

Jonathan Zuck: Right.

Woman: So with, you know, a lot of these organizations here are seeing progress, would not only do well internally for ICANN but externally as well so I think finding a way to, you know, kind of taking on the idea that you don't have to take on all that workload but giving them a toolset that they could then, you know, kind of think about as they're going forward on that could be very beneficial, cross functionally. Just a thought.

Jonathan Zuck: It's a fair point. I'm just - I'm a scared, that's all.

Woman: I don't believe that.

Jonathan Zuck: Because I'm really excited about this and so I want workgroups - we went through these case studies and it was so clear that these workgroups would have benefited from using real data to determine both the scope of the problem and then later on the success of the proposals that were made.

And so think if we can get that to happen that would be a very exciting progress. But let's keep the door open to some part of a report also talking about kind of open data initiative within - especially within the functioning aspects of ICANN.

So next slide. So speaking of scope, where we kind of talked about it a little bit is also coming up with different worksheets for these groups in the work that they do. So staff, you know, the sort of mad lib part documents that are used to create these things.

So staff in their issue report, revised worksheets for chartering groups, workgroups and then ultimately creating something new potentially for a theoretical review team. And so that's part of our work product is coming up with these revised worksheets. And then the second part of our work product would be some kind of data acquisition framework.

So from that there's a series of scenarios that sort of came out of the use case analysis that we did with the previous workgroups, some principles of data collection, nondiscrimination etcetera, and then some methodologies, a kind of - what we're working on is a kind of a flow chart that is the data available publicly, yes; does it cost money, yes; then how do we request budget, for example, to purchase the data that's relevant.

Is the data not available publicly? Does it come from - is a need to come from a contracted a party? Yes. Does it need to be - maintain confidentiality? Yes. Then do we need to get a third-party to be the conduit to the data and provide an anonymized version.

So trying to find a flow chart that more often than not will get us to where we have data in hand in the workgroup would be the objective there. And to come up with a methodology and to try and anticipate as many of the roadblocks to data acquisition that might occur in the future. Does that make sense to everyone as far as a set of deliverables and kind of scope for our work?

Come on in, the water is fine. We're talking about metrics and data. Oh damn, I shouldn't have opened the door. All right. All right so we - so that's where we are now. And so where we have been focusing our attention in the

near-term, in a sort of next phase is actually looking at the issues and challenges associated with data requests specifically to contracted parties.

Obviously they're not the only data source, they're just I think the most complex data source. The other data sources are either going to be internally owned data at ICANN that are already collected by staff, that already exist; or data that we can just make a decision whether or not to purchase. Does the issues surrounding requests for data from contracted parties are more complex. And so that's why we've decided to chew on that first.

And so I don't think there's another slide but we have the beginnings of a workflow type of process. But this is where we need to just do some brainstorming and try to understand what some of these barriers are and some of the complexities associated with data acquisition from contracted parties and figure out how to overcome them.

So that document that just appeared was a kind of a text-based set of survey questions that you, you know, based on the answers you would jump to another question. And Berry has thoughtfully begun the process of trying to lay that out as a flowchart as well. I think we're trying to bring that up.

Yes, so no one can read probably. Is there a way to - I guess are you zooming in a little bit?

Berry Cobb: I actually unsynced it but just in case.

Jonathan Zuck: What does unsyncing it mean? That they can manipulate it themselves?

Berry Cobb: I think it's better probably that way.

Jonathan Zuck: Maybe. I think there's no one on the Adobe chat though unless people insight here are...

((Crosstalk))

Jonathan Zuck: Oh there are? Okay. Oh things changed. All right, so you can see - I guess I got to the top if you will.

((Crosstalk))

Jonathan Zuck: Are there costs?

Berry Cobb: Oh.

Jonathan Zuck: Oh. Yes, start, that's what I put at the top. All right so the workgroup, you know, recognizes the need for data. And then there's just questions that get asked along the way. As the data publicly available, right? And if the answer is yes you see you go down and ask the question, are there costs associated with the data?

If there are costs associated with the data - If there aren't then you just acquired the data, that's the - the no answer that's down below. But if you - if there are costs you go to the right. You can see how to read this, right? If cost is commensurate with the benefit, so again you try to determine what the scope is and what that particular data source might lend to the project and decide whether or not it's commensurate.

And if it's not you look for lower cost alternatives and if there is one then go ahead and get it. Otherwise, is there budget allocated? Submit a request, you know, to GNSO Council if there isn't budget allocated. If there is then request an allocation for that particular data source.

And if the budget is approved then you go out and submit it to whoever is going to collect the data. So, I mean, you sort of get the idea. If you haven't worked with flow charts before that's sort of how they work, the diamonds are questions and the squares are actions. Yes, sir.

Man: Can I ask a question? (Unintelligible) speaking. So it's the first time I attend this meeting, okay so I'm just a little unclear and I just want some - would like some clarification. The data that you're talking about is the data from gTLD operators - gTLD registry operators, is that correct? Is that the context?

Jonathan Zuck: Well the context is broader than that. In other words, I mean, and it's almost sort of embarrassingly simple. I mean, workgroups for the most part have operated without the use of data to date of any sort. It's been everybody's feelings about how things are going and then adopting a policy and then feeling good or bad about the policy later on. That's been how policy has been developed inside of ICANN.

Man: Sure.

Jonathan Zuck: So the idea behind the group is to simply inject data in the abstract into that process where appropriate. And so the data that will in fact be used can come from a multitude of sources depending on the workgroup. So part of what we're trying to do is figure out what the different scenarios of data usage would be, what the different sources for that data would be and what the protocols would be for getting access to that data.

Man: Okay.

Jonathan Zuck: So in one of the cases is - or two of the cases you might say is that data from a registry or data from a registrar but it could be data from the compliance department, it could be data from WIPO about, you know, mediation proceedings over trademark claims, it could be data from a, you know, from a public source that published a survey that's done, you know, on a regular basis but you have to buy the data.

((Crosstalk))

Man: I now understand why you have the branch for other costs associated because if it was from just the registries or the registrars that would be the data required as spelled out in the contracts so this is extra data - additional data which may come from other sources which may have a cost associated which ICANN would have to pay for.

Jonathan Zuck: That's right. But in...

Man: That's all I wanted to know.

Jonathan Zuck: But it's also the case that it may involve data that is not covered by contract.

Man: I understand.

Jonathan Zuck: No, but I mean, like data from registries and registrars is not covered by contract.

Man: Oh I see, okay.

Jonathan Zuck: Because there's only some data that is required of the registries and registrars under their contracts.

((Crosstalk))

Man: And a registry or a registrar may say well you can get the data but it's going to cost you so much.

Jonathan Zuck: That's right. Or we can - we can do this but it's going to cost us so much to provide it so we need to pass that cost on or it could very well be, as Graeme has brought up, that that data is stored differently by each of them and so there might be a cost with normalizing the data so that the data from multiple sources can sort of coexist in a statistically interesting way, right?

So all those things could have costs associated with them and we can't automatically make the assumption that we can dump unlimited data requests on contracted parties, you know, I'm hoping that the volume won't be that high, right, and that's part of the conversation that we should probably have today.

But so there are non-contract data requests going to contracted parties. If they're contracted data requests the request may not even go to the contracted parties, it may in fact go to ICANN then because they've already got the data having requested it previously from the contracted parties.

Man: Got you. Thank you.

Jonathan Zuck: All right.

Steve Chan: Questions in Adobe.

Jonathan Zuck: Yes, go ahead. What's the question from Adobe?

Steve Chan: This is Steve. We have a remote participant question from (John McCormack). Question is, "Is there any validation/sanity check at the start of the process? Basically are there good reasons behind asking for data?"

Jonathan Zuck: Thank you for your question. And I think that that would in fact be - I mean, I'm not sure how a sanity check would take place in particular but the workgroup would sit down and try to determine what their scope of work is, particularly a drafting group or the staff before them in the issue paper and figure out what data is necessary to scope the problem.

So I mean, I think it won't be wild requests for data. And I think one of the principles that we would probably build into the framework is to be as specific as possible about data requests so that the data that's specifically relevant to

the task at hand. Does that answer your question? So they shouldn't be fishing expeditions I guess if that's what you mean.

Graeme Bunton: Yes, this is Graeme.

Jonathan Zuck: Yes, please.

Graeme Bunton: Just to jump in there. Some sort of gate at that beginning of the process to make sure that we're not (griefing) contracted parties or something, it's some method that...

Jonathan Zuck: That we're not what?

Graeme Bunton: (Griefing)...

((Crosstalk))

Graeme Bunton: Yes, that it's, you know, we send out all these, you know, basically spurious and difficult requests and then, you know, registrars or registries look bad all of a sudden because we can't fill them or we're asking for money to do it and it's sort of used as a method to, you know, make our lives more difficult. And we would need to make sure that those requests or reasonable and legitimate and sensible.

Jonathan Zuck: Yes. And I guess that would need to be part of that working group to make sure that those requests are legitimate. I don't know if there's any way to have an outside validation of that request. And certainly the whole process would need to be revisited if it was leading to a real high volume of requests, right?

But just looking back at the PDPs we have, etcetera, I don't think the volume is such when data in particular was requested of a contracted party that - it doesn't seem like it would be too much except in certain cases you said really

small ones, etcetera, there maybe needs some allowance on size or something, I don't know.

Any other questions? Yes.

Steve Chan: This is Steve. Just a comment to that. You know, in general on a working group you're going to have registries and registrars on the actual working group so they help to be a foil against spurious requests.

Jonathan Zuck: That's a good point.

Man: One would hope so.

((Crosstalk))

Jonathan Zuck: Right. So I think what we're hoping to do a little bit in this meeting was a little more brainstorming particularly in the area of contracted parties. But it may be we don't have enough representation to make it any different than any other of our meetings.

So we can kind of proceed and maybe continue to have the conversation that we began on the last call which was about what some of the challenges were, particularly the challenges that Graeme brought up in the meeting about, you know, where some of the pitfalls of this approach might be and figure out how we might address them.

Because ideally what we would like is to come up with all those scenarios that we can think of at least and figure out ways around them so that we're not - so that we've prepared future working groups as much as possible for these scenarios in the future.

So, I mean, one of the things that Graeme brought up on the last call had to do with the volume of requests. And so I guess I'm interested in people's

perspective on how we create a realistic gate on the volume of requests or what a reasonable gate would be and because it's difficult to define thing and where money might be something that helps to alleviate that burden.

So I guess that's the question, is the guy that's in charge of data for a registrar and I guess now also a registry, right, it's a little bit of both. Okay. A registrar then - where is - where are the, you know, what do you think are the gating factors and how many data requests do you think you'd be able to handle?

Sorry to put you on the spot.

Graeme Bunton: This is Graeme for the transcript. That's a difficult question to answer. You know, we're a large registrar. We could, you know, probably accommodate most requests. My concern is mostly for other registrars that aren't so big.

And we've talked about this in the past too how if we're making a data request of contracted parties I think mostly about registrars but people from the registries may want to chip in, that there's lots and lots of small registrars and how would we pick and choose amongst them to submit data especially when you're looking at, you know, the vast majority of registrations are with say the top 10 registrars.

So are we just going to be continually asking the same big people, you know, to provide data or are we going to somehow figure how to sprinkle in some little guys in there even if they're not capable of doing it? So it's...

Jonathan Zuck: Well because most of them don't even have a position in there company that you occupy at Tucows.

Graeme Bunton: I would be surprised if many did, yes.

Jonathan Zuck: Yes. So what are your thoughts? What do you think is the right outcome there? Is it just to go to the top 10 or have an exception case that has to do with a problem that specifically deals with smaller registrars potentially? You know, but in most cases we are just going to the top 10 for these data requests.

Is that the most fluid thing? Is that the fairest thing? I mean, do the big guys care if the small, you know, there was a nondiscrimination principle but is that type of discrimination just make rational sense and not cause a lot of grief inside your organizations?

Graeme Bunton: Well it's going to - it's going to skew the data if you're only getting it from the same people and they're all big registrars. If you're, you know, trying to get the real breadth of whatever issue that is, you know, if it's like transfers or something that may be very different between the size of the registrar. So we do need to figure out a way I think to - if we're asking people for data how to figure out how to ask all of them equally. Off the top of my head, I don't know. Maybe I think about that a bit more and change my mind.

Jonathan Zuck: And how do we ask them equally? That's the question that they're not capable of - do you have another - oh okay, go ahead.

Steve Chan: This is Steve. Yes, I guess when I envisioned this I don't expect us making like specific requests of perhaps the top 10 registrars or registries, it's more of a general question perhaps to the Registrar or Registry Stakeholder Group. So you get, you know, (unintelligible) it is optional, we would love for it to be something that they feel compelled to comply with.

But you make a more general request to a large audience and then you get volunteers to provide data. So it's not - the same party is giving the same data and you being able to glean who it comes from also.

Jonathan Zuck: Yes, I'm not sure I entirely agree with that. But go ahead.

Pam Little: Pam Little.

((Crosstalk))

Pam Little: I think it's not just the number of requests, it's also what you are requesting for, right, whether the data is already available, whether you need to actually collect the data. So I was wondering in terms of who you go to to get requests whether from top 10 or a kind of diverse providers...

Jonathan Zuck: Okay, I guess we need to pause for a second...

((Crosstalk))

Jonathan Zuck: We lost our recording. And we're making a hypothetical concern here and I want to make it less hypothetical.

Pam Little: Yes, I think that's the challenge because we don't know exactly what data will be requested. So I guess that's the challenge, right?

Graeme Bunton: Berry, you want to go...

Berry Cobb: Well, you know, I mean let's - this is Berry for the secondary transcript recording device. You know, we don't need to play hypotheticals anymore, we've got a real one that's right on the table in front of us, so IRTP-D, you know, the last recommendation there specifically brings up future review of the transfer process which is registration related type of data.

You know, it's not - I don't think it's much for the registries to be concerned about, it's more at the registrar level. But at some point, '14, '15, a year and a half from now, we are going to be needing that data. You know, it's a recommendation that's likely going to be approved by the Council, adopted by the Board.

It's not data that can be collected based on contracts that exist. What's going to happen 18 months from now when we get to that point and we put together some kind of list of requirements on collecting, you know, number of transfers, and number of failed transfers, and number of times FOA, the form of authorization messed up the transfer.

You know, that's a real world example. It's going to be on our doorstep here very soon. How are we going to first make the request. What happens if the registrars - and I'm not trying to single out registrars here - but it is, you know, what happens it uses no?

And, you know, to Jonathan's point, we're right back at square one again. And, you know, and I think it's one of those areas - and I understand the sensitivities about sharing this data. And I think that there are ways around it, the normalization, the anonymization of it, you know, a lot of it is, as well to do with the budget aspects, you know, who's going to pay for it.

But even if ICANN were to pony up the tab for third-party source to do all of those things for the data, I mean, there's still cost associated to the contracted parties to spend resources to go get it as well.

But anyway to close this off, we've got a real world example in front of us, let's keep that in mind or certainly any of the previous working groups that were PEDNR related and, you know, we can get into some hypotheticals about the registries. You know, with almost 1000 new registry operators two years from now I can certainly foresee some kind of policy development in the future where it's going to - and it's going to be beyond what the registries provide on a monthly basis to ICANN. So anyway I'll stop there.

Jonathan Zuck: The one silver lining on that particular question of registries is the new contract does specify, in somewhat abstract form, data necessary for the

review of the new gTLD program which is supposed to at least happen over the next few years.

So there will be at least some amount of compelling of data that might happen in that particular case. But the IRTP-D is a good example. Go ahead.

Graeme Bunton: Do we have Internet? It would be handy to actually find the language that was submitted in IRTP-D. you would think I would have that handy because I was in there but I can't get at it it would seem. I had another sort of specific example that's occurring more or less at the moment that I thought I would share because thought it was somewhat interesting.

Within the Privacy and Proxy Issues Accreditation Working Group there was a request in their for providers of privacy and proxy services and who are also a member of that working group to see if they could gather statistics or data on how many and what type request our compliance desks are getting for domains for the revealing of registrant information behind domains in a privacy and proxy service.

And it turns out, for this particular (unintelligible) and that seems like a reasonable sort of request. This problem, you know, what kind of request are you getting and how do you characterize them? Study requires that all of the registrars or service providers in not working group be sort of operating in a ticketing system for their complaints desk that has enabled some sort of reporting and data flags on those sorts of tickets, where it's a compliance issue - or it's abuse complaint related to a privacy domain.

And they captured as part of that ticket in a way that's searchable and retrievable and not in text field, you know, the outcome of what that was; where they revealed some information or they passed it on.

And it turns out in those sorts of scenarios that the flags we need in the nation we need to operate the compliance desk smoothly and go through,

you know, increase our throughput of issues is not the same data that's required for being useful in the working group. So there are things that are requested and just never captured or not captured in the way that are particularly meaningful.

And then the other part of that whole process that I also thought was interesting and should have been done - this may be may not be a popular opinion - was that that request is sort of the other side of a particular issue where data should be requested not from contracted parties in this case that from - in this particular case it's, you know, the brand protection people within most lead the BC and the IPC who are saying they have a problem that they cannot get at.

They have bad actors in the privacy proxy space, you know, they are trying all the time to get at registrant information. And we don't ever have a sense of the scale of that problem. And so us as registrars we want to make sure that we are building solutions that are appropriately sized to the scale of the problem.

But the problem is coming from members of the community and it is anecdotal. It's really useful always to make sure that before we're, you know, requiring stuff from contracted parties that we make sure that the problems that we focused on are actually meaningful, statistically significant or however it should be phrasing it in here.

Jonathan Zuck: Right, and as a member of the IPC I understand where you're coming from. And I guess the (unintelligible).

Graeme Bunton: I agree, but it's also not all that different from registrars who operate extremely differently. All have different help desks. And so what is perceived to be from contracted parties in this particular case is essentially anecdotal stuff that we're trying to a lot of text tickets and things like that, then it's not

outrageously different from the anecdotal stuff that different IPC members to, you know, members within that community have.

And so there needs to be some recognition, I would think, you know, that it's not just that registrars are all sitting on top of lots of hard data about every single problem and that that may turn out to be somewhat anecdotal but it might be worth still doing it. But the other side of that problem too is that there are, you know, there needs to be some method of making sure that that problem is real.

Jonathan Zuck: Pam.

Pam Little: Yes, I just want to comment on that. Perhaps there is a - in our recommendation there needs to be one step where you determine where is the most appropriate data source or where to request the data.

And also in relation to what Berry just said, that example he gave, the IRTF Part D transfer related registration data, I think that, to me, goes to prove my point is it's a concrete example you said there so it's, bang, I can - as a registry or registrar I probably have a much better sense what I can provide that data, whether that data is available and how much effort or time it's going to take me to provide that data.

Otherwise we're talking about very vague concept of registration-related data. It is very broad, right. But if you talk about - you narrow down the data, you want the data set then it's much easier for registry and registrar to be able to say - to respond or react.

Jonathan Zuck: Without question, right, better defined data requests I'm going to be the ones that are easier to manage. So the question is just trying to figure out what scenarios we might anticipate. I mean, if the answer is that this working group should request that data during its work in order to suss out the process, we could try to do that. Right?

I mean, if having a real example, and then we could try to determine the type of data that would get requested and make that request, and then we'll encounter - it might seem like a lot of make work to the parties involved but it might be a way to suss out some of the challenges that are faced and come up with scenarios for ways to do this, to actually make that data request. Is that a crazy idea?

Berry, go ahead.

Berry Cobb: Just respond to that, you know, I think the working group can certainly entertain that but it's slightly cart before the horse as we do need to have the recommendations approved by the Board first and let them become real before we start going to - because the Council is just going to be voting on the IRTP-D recommendations during the meeting.

And it's going to be a couple of months before the Board finally passes them and the gets turned over to staff for implementation. But that's something that the working group can definitely entertain.

Just respond back to Graeme, about the privacy proxy, wholeheartedly agree, and I think part of what we're trying to accomplish here is staff doing a better job of identifying the substance and the scale of an issue out there.

I'm not as close to privacy proxy and I'd have to go scrub the original issue report but I would be - I'm fully supportive of the fact that once that was identified as the issue that, you know, and the issue report is being generated that staff reach out to the intellectual property trademark people and understand their problem and the scale of that problem.

Because if it did turn out that it's - and I'm theorizing here but if it was only .0005% of the time that this is an issue based on everything else going out

there and maybe it's not worthy of creating a PDP or not, you know, again that's just speculation.

And I think that that's part of one of our outcomes of this working group. And when we go - once we've kind of completed as part and go back to look at the work products that traverse the process through the policy development issue report, charter, final report. The issue report is on the staff side so that's certainly where we want to see improvement there as well.

Steve Chan: This is Steve. There's actually a comment from a remote participant, (John McCormack). "Some of the - some of that IP infringement data is actually easy enough to generate via alternative methods, identifying iffy IPs, data centers, registrars." Close comment.

Jonathan Zuck: That's right. And again I think it's important to remember that part of what we're trying to do is just change the culture of the working group to be more data driven to begin with. And so step one of this would always be to identify what the best source of the data would be. So if it's available through other sources then let's get it.

So, I mean, I guess the - I'm just wondering, I mean, I'm just brainstorming here but some of the case studies that we went through, Berry, at the first phase comment maybe we don't actually need to get the data. But should we try to formulate requests for that data as if we were those working groups to the people that would provide it and get what your reaction would be in theory if you receive such a request.

Does it make sense to try to do something like that that made it more real? If part of the conversation we're having is too abstract we do have these use cases, these case studies that we did where data would have been useful had it been requested. Should we try to formulate a data request and then get your reaction to that?

Yes, I could give you this data that it would take this long or guess I could give you this data but it would cost this much. Or small guys wouldn't have this data or we don't have the data properly formatted or is it worth the amount of effort to kind of understand the ones that we looked at before and how that process would have gone had we gone through the process of requesting data? Does that make sense you guys?

Berry, go ahead.

Berry Cobb: I mean, just to respond, you know, again this is a working group to decide but, you know, that's certainly one way forward. And, you know, the PEDNR working group is a perfect example. In fact it's that working group that really spawned this whole idea for the most part. I mean, again this came out of the registration of these policies but PEDNR was going on at the same time.

You know, and it did lead to consensus policy which is what is now ERRP. But it was a very sensitive topic and an emotional debate back in the PEDNR Working Group about the sensitivity of that data and the expiration of names. So, you know, that's what we're trying - the goal of what we're trying to accomplish here is to...

Jonathan Zuck: Role play.

Berry Cobb: ...try to mitigate what happened back then. And, you know, there will be future policy development processes that get spun up that will have the same kind of sensitivities back then.

Jonathan Zuck: Sorry, what is your reaction to that idea?

Pam Little: If we're going to try something like that my thought would be to try something that's ongoing rather than, you know, the PDP that's already been completed. Because we - to me that might be more useful exercise than kind of the past

PDP that's already gone and past. I suspect if there was sensitivity then there will be more sensitivity now.

Jonathan Zuck: I guess that doesn't bother me necessarily, right? I mean, that's what we're trying to do is confront those sensitivities and figure out how to mitigate them. So, I mean, the problem with something ongoing is that then puts our noses into the work of an ongoing workgroup or something like that which feels very outside our remit, right, to do that.

And so these are established processes that happened then we go back to what the process would have been to create the issue report to charter the group to scope the problem, etcetera and just fast forward that to today and try to go through that exercise in a couple of cases. It might, you know, lead to some valuable discourse that will help us suss out some of those scenarios that might occur in the future, I don't know.

Berry Cobb: And, you know, this is Berry for the record again. You know, again having lived PEDNR, and I look at this flow chart right here and at least within this draft, you know, if we tried to go back in time little circle Z right there in the center would be immediate. Is this request accepted? No. Boom. End of process. Which is obviously what we're trying to correct here.

But, you know, I think maybe that is a very good idea is that we kind of bring this previous exercise to the forefront. You know, it's kind of a use-case 2.0 and talk, you know, highlight what that particular working group was specifically looking for at the time, which in a general nature, was the expiration of names and what happens with those names when they hit after the redemption grace period and all the way up until they - to the pending delete.

We rephrase that request and then (unintelligible) that use case back to the Registrar Stakeholder Group and both the Registries, even though that

doesn't necessarily affect the Registries, and have you guys deliberate on how you would approach that again.

You know, because the reason why it was so sensitive is because it changed - it had the potential to fundamentally change the business models of many registrars out there. And it was only through kind of the pivot exercise, if you will, is the reason why the survey got created that helped provide the working group enough information to create a set of recommendations that became the ERRP.

But, you know, in the end those that were pushing for reform and change, which was spawned mostly out of the ALAC and certainly I believe the IPC and the BC had supported at the time, you know, those recommendations or the consensus that was derived from that group in many of their opinions still didn't go far enough.

But it did move the needle and just, again, to reiterate or remind from previous, you know, staff is working on an exercise to get before and after data specifically around PEDNR. And as I mentioned previously, you know, it looks like it's a pretty positive change as to once that policy has been implemented.

So hopefully staff will be able to share that probably at the November GNSO Council meeting and, you know, be able to release that to the GNSO so that they can chew on that for a little bit and at least by everything I've seen thus far I'd consider it kind of a shiny star on the PDP process and that, you know, the implementation of that policy did make positive change. Thank you.

Jonathan Zuck: Other people have thoughts on this? I mean, it feels like we're picking on the two of you but that's just because what we chose to talk about today I guess so.

But, I mean, I would be interested in people's feedback on the idea of gaming this a little bit and trying to figure out with some of the past examples so that we can make this a less abstract exercise because that seems to be the primary objection in a way which is well I don't know what you're going to request or I don't know what kind of data it's going to be.

But if we can make a request - you don't have to actually get the data but just to try figure out how you would respond to it and under what conditions would you be willing to provide it, right? What would need to be in place and give thought to that so that we can kind of build it into our framework. That make sense? Are you game? I know you're not thrilled but are you game?

I mean, because I think this also has the benefit of decreasing some of the heat associated with these things in the future too when it really is a hot issue and people - and tempers really are flaring. I mean, we can do this in somewhat cooler circumstances right now than we could then. And we don't actually need the data, right, we just need to figure out how to suss out the process.

Pam Little: Pam Little. I think we - the Registry Stakeholder Group came up with some proposed principles, right. And they might sound a bit defensive but I will be interested to see whether the Registrar Stakeholder Group had a chance to discuss or come up with some framework or principles.

Because I suspect they have more customer-oriented customers - sorry, data, and it will be even more sensitive in some cases than registries' data.

Jonathan Zuck: Those kind of principles, and again I've stated my desire to minimize the number of things we list as principles and build as many of them into process as possible, right. But, I mean, you know, some of them are going to be - remain as principles and maybe some of those will come to the surface from an exercise like this.

There you go...

Graeme Bunton: I'm not going to say. I also don't represent all the registrars, you know...

Jonathan Zuck: You do today.

((Crosstalk))

Graeme Bunton: Yes - Michele, if you're ever reading this.

Jonathan Zuck: He'd be game.

Graeme Bunton: Sure, I mean, we can take a crack at this and see how it goes. I'm not responsible for any irate registrar.

Jonathan Zuck: Send them my way.

Graeme Bunton: Yes.

Jonathan Zuck: I'm ready to have the conversation. I'll talk Michele into it for sure. Yes, sir.

Steve Chan: This is Steve for the transcript. I like the concept of this exercise. I think one of the other things that might be an outcome is that you see that not all the data requests necessarily go to the registries and registrars. So if you see like IGO or - or consider IGO INGO we're actually probably going to make a data request to NAF, to WIPO, to the ECOSOC group.

So I think it's a good way to see that. It's not just you guys that are going to get picked on necessarily, it's other data sources might get picked on.

Thanks.

Theo Kramer: Has any thought been given to automated data requests - ongoing automated data requests and any kind of protocol around this?

Graeme Bunton: No.

Theo Kramer: Thank you.

Graeme Bunton: That's an answer to whether that would happen.

Berry Cobb: And just to piggy back on what Steve was saying, and this goes to ICANN as well because certainly there, you know, is ICANN internal through contractual compliance or the GDD team, you know, there are data sources there as well. And in fact the principles that we've kind of discussed in previous meetings or whether we want to move forward with them or not some of those could even apply.

For instance, a future working group wanting - solving Issue X and Issue X requires a somewhat of an analysis where the audit data that contractual compliance performs on registries and registrars, not all of that is released publicly. But perhaps that could be information that could better inform a future working group on that.

Certainly there would be sensitivities to that data and so I would - I could see that the working group would want to have that data anonymized as well. So any one registrar or registry isn't picked on. In fact that's kind of one the principles within the consumer metrics for the AOC review, you know, the intent of that data is to look at the aggregate or at the macro level and it's not meant to be a compliance exercise against any one registry or registrar that - might not be performing up to speed.

So it is definitely not just contracted parties we're here, you know, focusing on here; a lot of this applies to ICANN as well as well as third parties. Thank you.

Jonathan Zuck: That's right. In fact that was a very hotly debated and carefully guarded precept within that AOC CCT team was that it's not in any way meant to be a

name in shame exercise or something like that but just to deal with the aggregate data because there were certainly folks within that team that were hoping that this would become, you know, a way to single out, you know, malefactors and we want to make sure that that wasn't the process there.

So probably as part of this exercise we should try to construct a data request to compliance as well to get an understanding of what that process would be like. I mean, I feel like it's more straightforward if it's just data that's for sale then the process is just about getting the money out of the Board to approve that purchase.

But let's look at these different use cases we came up with and try to construct a dummy data request and try to work it through the process to see where the objections are and what would be involved. If there aren't objections I think this be something might be worth trying to do.

And then we can suss this out a little further. We have more to go into this document too, just things that we've thought of in theory. But we can certainly - a stress test, as Steve DelBianco likes to say, we can stress test this framework by running it through the paces potentially.

And did you - did we have captured what some of the other issues were that I remember Graeme raising in the - one had to do with volume requests, one had to do with size, I don't know if you remember them but you listed them off on a call at one point and I don't know if we had them at...

Graeme Bunton: I say a lot.

Jonathan Zuck: I know. I know. That's why we keep the transcript, it's just for you. Keep your - Graeme's transcript. But...

Graeme Bunton: I mean, I don't have a hand in every...

Jonathan Zuck: Right.

Graeme Bunton: Imagine...

((Crosstalk))

Steve Chan: This is Steve, yes, I don't have it handy but we could perhaps look at Pam's list. I wouldn't imagine it would be terribly different. It's at least the point of...

Jonathan Zuck: Well that was the principles document that was interesting. We can kind of go through that. I mean, maybe we can try to get to - we just have 10 minutes left. But I actually feel strangely good about this conversation that we've had today. So - but we can look at that principles document if you have it handy.

Steve Chan: I do. That's not it.

Jonathan Zuck: Yes, that was the process flow one. All right, yes, can we blow it up maybe or. Oh, Pam, go ahead. Sorry.

Pam Little: Okay, Pam Little. Question for Steve. I think we had a couple more points or additional comments or feedback from the Registry Stakeholder Group, right?

Steve Chan: Yes, this is Steve. Thanks. I think you're right, I think it's an older version that was just left over in the Adobe Connect room so...

Pam Little: Okay.

Steve Chan: I can try to dig out the newer version.

Pam Little: Great.

Jonathan Zuck: Yes, I'm trying to think if these are things that sort of require brainstorming or if they're just things that we might just straw man out a lot of them. I'm trying

to incorporate some of them. Because again I think it's a question of what are the scenarios in which data should need to be anonymized.

I know one of the things Graeme raised was about whether or not - if there were too few people responding to the data request or the size differential was such that it would, in effect, be discernible, you know, where the data came from, what registrar is came from or something like that and how to protect against that.

And I don't have a good answer to that challenge necessarily. But that is one of the things that came up is how do we make it sufficiently aggregate or sufficiently anonymized when it's coming from a few parties that we're already aware of.

((Crosstalk))

Jonathan Zuck: Yes. We're very proud of ourselves by comparison here. We've limited the fisticuffs. So the - so I guess, again, I'm looking at these principles and some of these will survive as principles, I think, and some of them, I think, will try to build into scenarios to be provided as anonymous and aggregated unless agreed to by the data provider.

Again, I think the idea is to make that a request that it be anonymized or aggregated and then we respond to that request usually by finding a way to do that. And whether or not there needs to be a third party to handle the data because they don't - because they're concerned about it going directly to ICANN, again, that kind of a request would result in trying to request budget for third party to handle the data, for example.

So that's what I mean by turning them into process and whereas preserving some of them as, you know, even like figuring out what the minimum data is to get the job done I think should be part of the process as well, right.

So some of those types are questions that will happen as part of this flow diagram that we're working on. And I'm just trying to see if there's any that we should brainstorm about. But I'm not seeing any. So I think we should continue our work to try to work out this straw man from these. And we'll continue to do that. And then on top of that let's start to look at what data requests might look like based on past things.

And I think that might be our go-forward. Continue to work on the straw man and as the straw man evolves I'll get it to you and Pam and others to begin to run by your constituencies too. Okay?

Well we may be done today then. Thanks, everyone. Great meeting, appreciate it. And I'll find some way to get a recording of this device for you.

((Crosstalk))

Steve Chan: And just as a heads up we'll probably schedule the next meeting for the 28th of October.

Jonathan Zuck: All right, that sounds good.

((Crosstalk))

Jonathan Zuck: Exactly.

END