

**Transcription ICANN Buenos Aires Meeting  
Update on Metrics and Reporting & Translation/ Transliteration IRD  
Saturday 16 November 2013**

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Coordinator: Excuse me. I'd like to inform parties today's conference is being recorded. If anyone has any objections, you may disconnect at this time. Thank you. You may begin.

(Jonathan): Ready to go. Thanks. So just to set the scene again, this is the second session of the GNSO working sessions on Saturday. This will be the GNSO Metrics and Reporting Working Group, which is a non-PDP Working Group co-Chaired I believe by Mikey O'Connor and Jonathan Zuck. So over to you Mikey who'll be reporting back to us.

Mikey O'Connor: Thanks (Jonathan). It's Mikey here. Just to put a fine point on this, we're a drafting team right now. We're writing a charter for you, the Council to take a look at. And that will then kick off this kind of unusual critter, a non-PDP Working Group. This is sort of a new thing.

So Jonathan Zuck and I have been working away on this a bit and the - with the able assistance of Berry Cobb. He's been working really hard on this. I forgotten our next slide so let's go to that and maybe I'll remember. That's a lot of words.

Let's go back in time. This goes all the way back to the RAPWG, the Registration Abuse Policies Working Group, which was a pre-PDP, produced an awful lot of activity, spawned several PDPs.

One of the things that was brought up in that was that in this notion that we do fact based policymaking, sort of an ATRT kind of stuff. We're a little light on facts a lot of times.

And one of the other ideas that we came up with is that some of these things aren't really policy development processes. They're really something else. And so this particular drafting team is working on a charter that's a little bit outside the normal bounds.

To figure out how to charter this thing isn't exactly a normal PDP Working Group and also presents sort of a chicken and egg problem, which is which comes first, the policymaking or the facts.

And in a perfect world where ten years from now we have lots of facts and we have lots of policymaking this will be an easier question to answer. But for the first time around we have to figure out whether we're going to go get facts first and then use those facts for policymaking or whether we're going to wait for policymaking processes to change and as those processes complete they specify what facts ought to be completed - collected.

So that's sort of the background. We've been at it about a month, maybe six weeks. I think that originally our goal was to have a draft here for you. This is a tasty enough issue and we've got a pretty diverse drafting team. And we didn't feel a whole lot of pressure to just drive as hard as we sometimes have to get to you. So we're missing our initial expectation.

I think we'll be fine within a month or so. But we are in sort of new territory. And we felt like we needed to take a little bit more time to sort of get a better understanding amongst ourselves as to what we were doing and so on.

So we started in mid October. What our next step is to come up with a charter and give it to you all to take a look at. We'll probably spend some time then by that time I'll be part of you all having been - having joined the Council at that point. And we'll sort of work through this together.

So that's sort of where we're at. Is there another slide? I can't remember. That's it. Okay. I think that's enough introduction. Maybe we can get through this a little more quickly, spend some more time on the next agenda item. But any questions?

(Jonathan): Thanks Mikey. Go ahead Berry and then I've got John Berard.

Berry Cobb: Thank you (Jonathan). And just to take a little bit of heat off of Mikey, the date of having the charter prepared for here was my expectation about sharing that with the group. So once we talked about it, realism set in and so. Thank you.

(Jonathan): John.

John Berard: Thank you (Jonathan). John Berard. Mikey, I worry that sometimes our work on process is so intense that we lose the rationale in the midst of time. This wasn't really that long ago though.

The origin of this effort is because we thought we saw a disparity or a different - differences that could not be easily collated in the reporting of complaints and abuse. And this effort was designed to get at a common language for that. Is that right?

Mike O'Connor: I think that's one - this is Mikey. That's certainly one facet of it. Back - but that is not the only facet. And one of the interesting things that we're puzzling through in this drafting team is a scope overlap between this project and the consumer metrics and reporting initiative.

That's part of the reason why Jonathan's participation as co-Chair is so valuable because he's much more engaged in that than I am. And we're working our way through the scope boundaries. And let me give you a preview of the way that we're sort of resolving that dilemma right now. And I'd be interested in your reactions to that.

We as a drafting team have a giant hole that we could fall into if we're not careful. And that is we could specify what those metrics are. And if we do that, we could be - we could launch a working group that might never finish.

And so the direction that the drafting team is headed right now is to say let's specify changes to the process so that forevermore metrics and reporting are baked into the PDP. And I'll give you an example.

In the course of something - pick a - pick any recent PDP, IRTP, thick Whois, whatever, pick your favorite flavor. One of the things that's not in the final report that you all look at and approve is a list of metrics to measure the success of the implementation of that policy.

And so the thought is that in addition to developing policy we will also change the process so that the policymaking process will be required to also describe metrics. This is back to the chicken and egg problem.

But that this working group to be will not be charged with actually describing specific metrics but rather describing the process by which policymaking from here one has metrics definition built into it. That's a - it's going to be easier to describe once we're done but that...

John Berard: This is John Berard and I'll take advantage of your offer to follow up. That seems overly broad when you look at the language that's included here in the background, which focuses this group on the sharing of complaint and abuse data.

Mikey O'Connor: This is Mikey again. I'm working more on personal knowledge of the actual working group, the RAP Working Group rather than the specific language of the background here.

And again, I think one of the things that we need to do as a drafting team is tease out this - the scope overlap problem and the deliverable problem that's presented there.

(Jonathan): Marika.

Marika Konings: Yeah. This is Marika. Maybe just from the description part, I mean if you look at the second sentence it also talk about - and they also investigate a more formal process and it's for request of data metrics and other reporting needs for the GNSO to aide in GNSO policy development efforts. I think that's, you know, some of the things that Mikey was referring to.

And I think in adding to what Mikey said, I think the next step at some point for the Council will be as well to discuss or consider how to indeed have formal review mechanisms of existing policies. So I think that's where eventually we'll be getting once we have those metrics in place. You have actually a tool whereby you can say okay, we've now, you know, implemented and adopted these policies.

At what point in time should we go and check to see if they're actually doing what they were supposed to do or whether we should be undertaking additional work to see whether they're working as intended and indeed having those kind of mechanisms or metrics in place will hopefully facilitate

having a more formalized process around that. I think that's more the longer term view where things may be going hopefully.

(Jonathan): Thanks Marika. Jeff. And Mikey, did you want to respond directly to that and then...

Mikey O'Connor: Yeah.

(Jonathan): ...let's let Jeff.

Mikey O'Connor: I just want to add one more thing that came to me. It was great that Marika could sort of give me a little mental breathing space because I'll admit that I'm not good on my feet, you know. I do better if I have a minute to sort of think something through.

But I think one of the things that is to your point John about being overly broad, we are, being the drafting team quite aware of how easy this particular project could get really broad really fast. And that's one of the things that we are trying to ensure doesn't get too broad.

And one of the reasons why we are focusing more on how metrics are described and baked into the process rather than actually defining specific metrics.

The - in the background that's a good example of a set of metrics that should have been developed that weren't. But we're not inclined at least at this stage to charge the working group that's being chartered right now with defining those metrics but rather describing a process by which every working group would be required to defined metrics from here on.

(Jonathan): Thanks Mikey. Jeff.

Jeff Neuman: Yeah. Thanks. I have the - I kind of want to join John here and by providing a little bit of background on this in the sense that when this was originally set up, the metrics was supposed to be on the metrics of ICANN staff and the metrics of compliance. That's how this - Marika's shaking her head. But this got way turned around here.

When we - and I remember a year ago when we kind of put this issue on the back burner there was a lot of information here that we wanted metrics of and I think this is also when the RAP group - we wanted some of the definitive data on some of the abuse.

And it was to measure - somehow we got it turned now into the metrics associated with - and Marika's shaking her head but Marika, we'll go back because I do remember this discussion very well. And I was on the RAP.

But somehow this discussion has now got into the metrics of PDPs and I have a - I just want to make sure that that's not the direction we go in. It was more of getting more reports from staff on things that were going on maybe as a result of a PDP to figure out what things, you know, where we are.

But this was a lot of metrics having to do with staff kind of things and compliance activities. Because if you remember the RAP discussion, it was a lot of the abuse we just didn't have a lot of the facts and figures and so this recommendation came out of that.

Now it may have gotten twisted over the year but I want to make sure it gets back to what the RAP discussed in 2007, '08 and '09.

(Jonathan): Thanks Jeff. So I know Marika wants to respond. And I certainly remember that theme and I'd like to understand it since that - that's fact-based policymaking was the theme. So Marika and then...

Marika Konings: Yeah. This is Marika. So basically the first step in this process was a request indeed from the RAP or from the Council -- don't remember exactly -- to ICANN compliance to lay out what they do indeed to track information and data.

So they provided several updates and reports. And as you'll see in the Council resolution as well this compliance and things that were, you know, doing a three year plan or doing whatever. I think that resolution says as well we'll go back to compliance when they have completed their plan to see indeed if they've delivered on what they said.

But what compliance also said is like look, we only get a tip of the iceberg. The only data that we receive is, you know, when people have where we didn't get a response from registries or registrars who feel that they have nowhere else to go or they think it's the first port of call.

It's only a certain amount of data that ICANN compliance received. And what we were looking at here in this - at least that's how I've always understood this effort is how can we complete that picture and make sure, you know, we can't only rely on the data that ICANN compliance has because, you know, there's a lot of information or complaints that probably directly go through registries or registrars and would give us valuable insight into where potential issues exist.

So I think it's a complementary factor and I think that ICANN compliance question is dealt with this separate part of the resolution in saying that the Council - and I look at Berry, I don't now what the timeframe was. But at some point we'll go back to compliance and say okay, have you completed your implementation of your plan. Can you report to us?

And at that point the Council can decide whether indeed any additional requests in relation to that need to be made. But I think this is a complementary aspect to that is that how can we, you know, gather additional



data that comes from other sources and also use it as part of policy development processes because I don't think ICANN has all the information here that is required or needed.

(Jonathan): Jeff, I've got Alan and Mikey in the queue and then we'll come to you.

Alan Greenberg: Yeah. My recollection is similar to Jeff's and I wasn't on the RAP group. But the substance was in PDPs we often seem to come to the point of the data that might help us guide policy design resides in a whole bunch of different places in registrars and registries.

They have no obligation to put to - to deliver it to ICANN or into any central body. There could even be conceivably competitive issues why they do not want it released. But nevertheless perhaps ICANN should be collecting it and make this - the overall statistics available.

That is there's information about abuse, which we do - simply do not have access to. And if we could legislate that registries must deliver certain kinds of data or registrars, it may be useful for future policy decisions. And I thought that was the rationale for going this path.

(Jonathan): All right. Let's go to Mikey and to Jeff please.

Mikey O'Connor: I'll pass and then wrap up at the end.

(Jonathan): Jeff.

Jeff Neuman: Although I appreciate the fact that Alan joined on the idea. I was never saying you should legislate what registries and registrars have to provide. I want that on the record there.

But I will share that in the fact that certainly requests can be made to registries and registrars for certain types of data that will assist in the policy

development process. And I know that we at NuStar would certainly provide a bunch of that data to the extent we could.

But I was also - look; I mean I - many of you probably read what on Fadi's blog a couple weeks ago that he said that they get asked all the time by law enforcement and others to assist in investigations on abuse and that they're becoming more involved in those as much as they try to avoid it.

I mean that's the type of data especially for registry or for abuse that we were kind of looking for back in 2009. It's not just compliance that I guess I'm talking about. It's anywhere from ICANN staff where they get that kind of data that would assist in the policy development process or assist the community, not just the Council on that data. I think that's all important.

But I just want to make it clear that when - from my perspective and I only have another year left on the Council so I won't be around I guess when this all comes - well hopefully I'll be around when it all comes to fruition.

But I don't want us to lose sight of the focus and make it think that this is some sort of PDP review as to what we can do in PDPs. There's many other things going on that we could talk about reviewing the PDP. I want to make it clear that this is supposed to be metrics on reporting not just from registries but also from ICANN and making the data available for - to assist the PDP process.

(Jonathan): Sounds like the last word's going to come to you Mikey and it'd be great to hear, you know, how this is - if you can at this stage how this has impacted your thinking at all or if in future you'll come back with that but let's hear from you.

Mikey O'Connor: Thanks (Jonathan). This is Mikey. Just to wrap up, this has been much more helpful and substantive discussion than I was expecting. And so I apologize by being slightly less prepared than I should have been. That's one thing.

I don't disagree at all with anything that Jeff said. And I think that part of the issue is that I was not as articulate in describing where we're headed, as I should be.

I also don't disagree with John's points. And I think that the drafting team will produce a document that will align well with where you're headed. And with that, I'll - because all I would be doing is winging it trying to draft it at this stage. So thank (unintelligible) great job.

(Jonathan): Thanks Mikey. You spoke well there and that's - I think we don't need to push it any further now. I think it's - this has been precisely what this kind of conversation should be. It's bringing the exact - the current work of the drafting team to the Council for what seems to have now been substantive discussion.

I think what would be great - Marika, are you going to capture the action points that come out of this? I think it would be - and Lars, yeah, great. I think it would be good if we could hear back from you just some - not now. Not in real time.

But any sort of responses to this discussion, how that impacts the work of the drafting team after you've had a chance to talk to the drafting team just so that there's some sort of feedback (lift) from this in addition to the ongoing work on the charter. Yeah. Sure. Last work there.

Mikey O'Connor: Just to really short comment. One of the things that we will do on the drafting team for sure is to listen to this transcript because there's a lot of nuance here that's very helpful. And I think it will help the drafting team. So in addition to any written action items because this is such a short session we'll just listen to the whole thing and then certainly respond.