

BEIJING – BOARD with the At-Large  
Tuesday, April 09, 2013 – 08:30 to 09:30  
ICANN – Beijing, People’s Republic of China

Good morning, everyone. If you would be so kind as to quickly take your seats, I know we have a lot of information to exchange this morning in this meeting and we have subsequent meetings we also have to think of.

So let's be seated so that our chair can begin. Thank you.

STEVE CROCKER:

Good morning, everybody. This is the beginning of the board's constituency day engagements in which the board interacts with a whole series of constituencies, stakeholder groups, supporting organizations, advisory committees, et cetera.

The strong advantage that you have is that this is our first, and it will be get progressively more strenuous on the board, although I think we'll hold up.

The schedule is arranged in a way that does put some sharp limits on the amount of time that we have, so without further ado, I think we ought to plunge in.

My posture, as chair of the board, is that we want to do more time listening than talking. We want to talk mostly about the issues that you are concerned with. We have a couple that we have posed and would

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be delighted to hear about, but in terms of prioritization, it's the topics that are on your minds that are of utmost interest to us.

And for the few of you who have escaped having to know who I am, I'm Steve Crocker, chair of the ICANN board.

OLIVIER CREPIN-LEBLOND: Thank you very much, Steve. I'm Olivier Crépin-Leblond, chair of the At-Large Advisory Committee. Next to me, we have Evan Leibovitch, Carlton Samuels, Tijani Ben Jemaa, all three of whom are in the At-Large executive committee. We've got Rinalia Abdul Rahim, a fifth member, who is hiding in the crowd -- not much of a crowd, but anyway -- and then Sebastien Bachollet is at the end of the table.

We'll go straight into the questions the At-Large has submitted.

Oh, go ahead, yes.

STEVE CROCKER: I opened the mic while Olivier was getting things organized, but I really wanted him to start things off. But in the process, I stumbled into not introducing my colleagues on the board.

At the end, Olga Madruga-Forti. I'm getting this right. I need to practice my pronunciation. Bertrand de la Chapelle. And I think there's some contention over who will get the benefit of introducing Sebastien, who is walking away. Is he ours or is he yours?

[ Laughter ]

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>> (Speaker is off microphone.)

STEVE CROCKER:                    Yeah.

No, he's -- he's treasured by all of us.

Okay. So with that, Olivier, thank you.

OLIVIER CREPIN-LEBLOND:        Thank you very much, Steve.

We have a number of questions that the At-Large community has submitted. There are also a couple of questions that the board has submitted to us. We're not going to have time to go through the whole list, so we'll just choose and pick, and in fact, we might pick the PIC to start with, and the question is: What is the board's view on the public interest commitments for the new gTLDs? How can the PICs be enforced?

And to launch our first salvo, I'll ask Alan Greenberg to speak -- well, you did say "pick," so to start on this. Alan Greenberg.

ALAN GREENBERG:                    Thank you. The concern the ALAC has is very much that as it's structured right now, or at least the only part that's been -- sorry, the voice coming from that speaker is driving me crazy.

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The only part that's been announced is that there's a dispute process -- or dispute resolution process which you can only file if you have been materially harmed, if you have the money to do it and the will to do it.

The description of the PIC process uses the words -- I -- I don't remember the exact words but it says essentially that ICANN is protecting the public interest through the PIC.

And I don't think ICANN would ever say, "We are protecting trademarks, because you've provided a similar dispute process," and there really needs to be a way that disinterested, unharmed parties can call to ICANN's attention that there is an issue -- whether it's governments, whether it's consumer organizations, whether it's watchdogs -- and not have to pay money, not have to show material harm.

Maybe it's another case of a new independent objector if the dispute process is the only one.

But as it's described right now, it just doesn't meet the criteria of ensuring that these organizations meet the commitments that they made.

STEVE CROCKER:

Looking for a response?

My -- I'm not sort of in the series of the detailed negotiations, but my understanding is that we want to try to put contractual obligations in, including what the enforcement mechanism is, but I see Chris' hand up and that's -- he's a lot closer to it.

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CHRIS DISSPAIN:

Thank you, Steve. Where is Alan? Oh, he's over there.

So the public interest commitments, or the PICs, were put in place to get a clear understanding from the applicants of what the commitments were that they were prepared to make. It arose out of a discussion with the GAC who said, "How are you going to keep applicants to their commitments?"

So it's achieved two things. The first thing it's achieved is it's got them clear about what they're actually prepared to do in respect to the domain, to the string, and secondly, it's got them to put it down on paper and it will become contractual.

Now, I run a country code and we run -- we have an intense, quite deep policy and we are complaints driven and -- in the sense that we don't audit, as such, but when people make complaints, they can -- they come to us.

I think, Alan, your point is that we -- you think we've restricted the ability of people to make complaints. So perhaps I could ask you: Would you -- do you think the correct position is that anybody should be able to lodge a complaint? And what do you think should happen to it if it's lodged?

Because it's all very well to say that we've restricted it too much, but how far down the line do you think we should go?

OLIVIER CREPIN-LEBLOND:

Alan Greenberg.

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ALAN GREENBERG: Yeah. I don't think I can answer that. Certainly not on the fly. And whether it needs to be everybody or people with some measure of standing, I'm not sure. But the problem is that at such a level that, yes, we're not expecting ICANN to police the contracts and review everyone every six months to make sure everyone's doing what they said, but as is it stands right now, the wording of the dispute process says ICANN can file a dispute if they choose, but only if they'd be materially harmed, and we're back now to the situation where ICANN only took action against registrars if they didn't pay bills.

So if ICANN has not been materially harmed, ICANN can't do anything about it.

CHRIS DISSPAIN: No. ICANN can. ICANN can always --

ALAN GREENBERG: Well, that's not the way it's worded.

CHRIS DISSPAIN: Well, okay. I'm not going to argue with you about the interpretation of the wording because I don't know it well enough, but I'll check that.

However, the intention, as I understand it, is that ICANN can -- I mean lodging its own complaint is the wrong way of putting it but you understand what I mean.

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The intention is that outside complainants would have to be materially harmed, and that is an attempt to ensure that we are not inundated with vexatious complaints.

I would ask you, if you're uncomfortable with that, to take a bit of time and come back to me with a suggestion on how else to do it. Unless you think anyone should be able to make a complaint at any time and it should be acted upon, then -- unless it's that, what is the other alternative that we could replace what's currently there? Thanks.

ALAN GREENBERG: Thank you. I won't take the time now, but I will follow up.

STEVE CROCKER: Bertrand?

BERTRAND DE LA CHAPELLE: Yeah. A quick remark following the exchange.

The clear distinction is between going through the dispute resolution or being able to voice a concern regarding the implementation or the respect of the PICs, if I understand correctly your point.

What Chris was saying -- and I think it's correct -- is that there is no way any formulation can mean that ICANN does not work in the context of compliance. If the applicant is providing a PIC, it is part -- it will become part of the contract. That's precisely the intention of it.

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And so the dispute mechanism is introduced to allow external parties to be able to make a complaint, and therefore there is a certain level of bar to prevent frivolous requests.

However, what you are probably hinting at, and it may be worth exploring, is a channel whereby or through which non-directly harmed parties can express a public concern regarding the non-compliance with the PICs that would go to ICANN and then ICANN, in appropriate discretion, would decide to trigger a compliance mechanism. Is that right?

ALAN GREENBERG: If it had said that, we wouldn't be having this discussion at all, but it didn't say that and discussions with compliance imply...

OLIVIER CREPIN-LEBLOND: Thank you. Evan?

EVAN LEIBOVITCH: I would simply note also, one of the issues is material harm. By having that word in there, it's sort of like lifted UDRP language and saying that somebody has to demonstrate material harm in order to have standing to complain. It's not like a trademark owner where there's measurable loss if somebody's brand is hurt.

But also as a last thing, I would note that a precedent has already been set, for instance, in how to do objections to gTLD applications that could perhaps be used as a template. You've empowered the GAC, the ALAC,

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and the independent objector to receive complaints from any -- from any party that believes they've been harmed or could have harm.

They have the ability to vet and move forward objections. That's how the objection process is working right now. And perhaps it offers a template of how future activity could be done along these lines.

STEVE CROCKER: Shall we vote on it right now?

We can borrow from our colleagues in the IETF and have everybody hum.

[ Laughter ]

OLIVIER CREPIN-LEBLOND: Thank you, Steve. You definitely get my hum.

Let's go for the next question and we'll jump to the last one on the list here.

How can the ALAC grow its mission to representative Internet users? That's in quotes. Is this a mission that it is guaranteed to fail? What support should the ALAC be given to achieve its goal in support of its public interest mission?

STEVE CROCKER: Yeah. I'd like to answer that directly.

Why are you asking us? Why aren't we asking you?

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OLIVIER CREPIN-LEBLOND: Carlton Samuels or Tijani? Tijani Ben Jemaa.

TIJANI BEN JEMAA: Why we are asking you? We are asking a question for you and for us what kind of support we -- we should be given to achieve this goal. This is the question, the real question.

STEVE CROCKER: So I wasn't actually being facetious. What kind of support do you want? How do you envision your mission? What is it you want to do and in what way are you not being supported well enough?

And that would be the beginning of a discussion because buried in here is what does it mean to represent Internet users, and I guess representing Internet users is fine. The question is, in what respect? With respect to the mission of ICANN or with respect to general Internet participation and so forth?

But I -- I'm genuinely interested in what motivates the question. The implicit assumption is that more support would be helpful, and so the natural question is: What more support do you want that you're not currently getting and what do you have in mind?

Now we have a lot of hands up. I'm going to turn it back over to Olivier.

OLIVIER CREPIN-LEBLOND: Thank you very much, Steve. I certainly see a number of hands. Just one thing. The question is actually divided into two pieces. The

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"represent Internet users" thing was just a little starter. We can't purport to represent Internet users, but what we do is to act in the best interest of Internet users, and we have found, actually, on some literature that ICANN releases that it says the ALAC represents Internet users and that kind of makes us cringe a little bit.

However, right, let's take the questions or the comments. Ray Plzak.

RAY PLZAK:

Thank you, Olivier.

Steve's mention of the word "support" triggered in my mind there has been talk going around about the ALAC wanting to have another summit, so --

STEVE CROCKER:

Could you speak closer to the microphone?

RAY PLZAK:

-- I don't want to specifically talk about the nature of the summit and so forth, but --

Okay. Can you hear me now, Steve?

So in regard to the summit, I would like just to have more information about it, and so forth. I presume at some point in time if you haven't already approached staff or somebody looking for some sort of financial support or something like that, so I think if that is something that would fall into the area of this particular question that you're asking.

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OLIVIER CREPIN-LEBLOND: That's a good point.

Alan, did you want to respond to this?

ALAN GREENBERG: I don't want to respond to that because -- but I would like to refocus the question, since I am the one who suggested it.

The question I was really asking was not one of support but one of semantics.

As Olivier said, board members and documents regularly say ALAC -- At-Large -- represents the users, and people immediately say, "How do you contact all those 2 billion users?"

I would very much like to see the terminology that we use always be we represent the interests of users. That's something which we're not destined to fail at. We may not succeed, but the other one, we're guaranteed to fail, and it was a question of semantics more than support.

OLIVIER CREPIN-LEBLOND: Thank you, Alan.

Ray?



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sure that people know that they can launch objections and letting people know that they can apply for support.

So it's getting the word out outside of the usual suspects, I think, that is one of our biggest challenges.

OLIVIER CREPIN-LEBLOND: Thank you, Evan.

Ray?

RAY PLZAK: If I could comment right back, what do you see as the synergy and the divergence from what ISOC does?

OLIVIER CREPIN-LEBLOND: Well, actually, I -- well, many of us wear both hats. In fact, many of our At-Large structures are ISOC chapters.

RAY PLZAK: Well, I understand that. I understand that. So I'm asking: Where is the diverge- -- the question is where is the divergence in that case that you're having to wear two hats? Is there some duplication of effort here? Where is the actual synergy? Where is the synergy where the two organizations grow together and work together in strength? Is there joint projects? All of those things. Are resources being mismanaged because both organizations are putting resources to the same thing but not coordinating their efforts? I mean there's a whole

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myriad of things there, so that's why I couched it in the general terms of synergy and divergence.

OLIVIER CREPIN-LEBLOND: Thank you very much, Ray. That's a very valid point, and there has been much discussion going on within ISOC and with ISOC chapters as well, and wearing my other -- other hat, I have taken part in those discussions in ISOC.

One has to remember, our At-Large structures are a superset of the ISOC chapters. Only a subset of our At-Large structures are ISOC chapters, and ISOC doesn't have as much of a global footprint as we do, and of diversity as far as the actual people are concerned.

ISOC chapters themselves are generally targeted at people who are computer-literate and for a specific ISOC mission, remembering that ISOC is mission led and is not a bottom-up organization.

On the other hand, our chapter -- our ALSs not only include the chapters, but also do include some organizations that are completely different and with a completely different mission than ISOC.

There are some organizations that help with the spread of computing in deprived parts of the world, some with senior citizens, some with youth, specifically targeted.

And so we are able to reach more of a global audience than ISOC actually currently is.

But I wanted to go back to your original question with regards to the summit, and it might be a good time to share it.

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We have learned a lot -- for those board members that were not around or those people that were not around in 2009, the At-Large held a first summit that took place in Mexico City, during the ICANN meeting in Mexico City, and we had 100 At-Large structures that came face-to-face working on several specific projects and met throughout the week.

We have learned a lot from that.

One thing that we have learned is that face-to-face time is actually priceless.

It actually got At-Large to really start gelling together and people that come to meetings and actually see ICANN in action by experiencing it rather than just reading about it or hearing about it remotely do grasp a completely different dimension to the actual way ICANN works.

And so from those 100 At-Large structures that came, many of them said, wow, now I start understanding what's going on. And, in fact, you can see many of our members here who are actively involved with the At-Large Advisory Committee or leadership within their own region are people that have actually had their first taste of what ICANN was about when they came over to the Summit. So that was really good.

The only thing -- or one of the things that we have learned, though, is that they were off-site. The main hotel was not large enough to have them. So it didn't interact as much as we wanted with the actual ICANN community rather than just their peers. So at the same time, it was 2009 and time has passed. We now have more than 150 At-Large structures. So you do have a significant increase. And so many of our members have not experienced this. They've not experienced this face-

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to-face time. And although we have had some regional general assemblies, they have not been able to mix and mingle with the other regions because the problematics are actually sometimes very similar between regions.

So the idea of a second Summit, whilst always being on the cards, is something that came to the front when we looked at the future locations that ICANN was going to visit and the very fact that we started being asked questions: What about a second Summit? We've never been part of a Summit. We don't really know what happened there.

A committee was put together and through some work that I met with ICANN staff and met with specific members of the Public Participation Committee and the Board Finance Committee, the view was perhaps there would be an opportunity, specifically in London in June 2014, to have a large enough hotel, location, which had enough international flights that would allow for travel from around the world without too much traveling time and also an English-speaking environment because we might say we are multilingual and we do have interpretation facilities, et cetera, but we -- and I'll finish my thing. But we, of course, need an environment that's conducive to receiving people from around the world. London looked at those it was the right location to do so.

And working with ICANN staff -- and I do have to thank ICANN staff. We've managed to put a budget together a proposal together that would not only allow for the At-Large community to come face-to-face and talk to each other but also integrate with ICANN, especially now that there has been this new seasonal change with the new CEO, with

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the new chair, everything has changed at ICANN since 2009. And that looked like the right time.

But I've seen Cherine and Jean-Jacques, Izumi and Isalla and start with Cherine.

CHERINE CHALABY:

I agree and fully echo everything you have said, Olivier. Particularly if we want to connect with our community, it isn't enough and sufficient to connect with the businesses, very important to connect with the end users. And the only way -- or the best way is through your At-Large structures and getting the face-to-face meeting, I think for me it is a very important thing to do. And not only get them in for a Summit, just one or two days, as we spoke yesterday, but get them to attend the entire meeting so that they feel they are part of the ICANN and integrated in it. And I think personal -- I'm not talking on behalf of a committee or anything. I think this is an initiative very worthwhile doing.

OLIVIER CREPIN-LEBLOND:

Thank you, Cherine.

Jean-Jacques Subrenat.

JEAN-JACQUES SUBRENAT:

Thank you, Chair. Two points: The summit and number two would be a reply to Steve Crocker's question.

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So the Summit. Summit Number 1 in Mexico was a turning point in the life of the At-Large structure actually. I think that they were seeking -- I say "they" because at that time, I was on the board. The At-Large were seeking some form of recognition and encouragement. And that was given to them. And I must say that seen from the outside at that time, that is the time when the speed of work and the significance of its work increased really noticeably.

My second point -- so my conclusion on that is, yes, I'm very much in favor of a Summit. And I think that this would be of interest not only to the At-Large community but to the board and other parts of the ICANN community as well.

My second point is in reply to Steve's question about what is it you want to ask us in addition to what already exists. Here I must say that my second term on the ALAC now allows me to see a very interesting function which is performed by the At-Large structure and by the ALAC, which is the censor function, to use a technological term. Because we're closer to the Internet user community, we can bring to the rest of the community a better sense of what expectations are.

For instance, at the morning at the very interesting session of the alumni breakfast chaired by Steve, there was a concentration of debate on one subject which was the domain name business, and rightfully so because gTLDs are very much in the fore. But at the same time, I felt it necessary to remind us that there are other preoccupations on the user side: Internationalization but also, for instance, freedom of expression, privacy issues, et cetera.

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So in this sense, the At-Large probably can communicate to the rest of the ICANN community things which they are not accustomed to hear every day.

In this sense, Steve, yes, you're right. We are very well staffed. I find that the support we get in ALAC is really superb. But we are still in pioneer mode. That means that the work -- the personal work put in by each of the members of the ALAC is tremendous.

And I think they should be given a chance to give more effort into thinking and comparing rather than doing the actual paperwork and resume's themselves.

So I would encourage the board to look into the possibility of having one extra person to help Heidi and her excellent team in that work. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you very much, Jean-Jacques. Izumi, I was just thinking maybe alternating between board members and At-Large members. So if you wouldn't mind, if Erika Mann takes the floor. Erika? Thank you.

ERIKA MANN: Thank you so much, Olivier.

I have great sympathy for the question you raise and what you want to achieve. But I think there is something one has to be extremely careful. And then when you talk about representing Internet users -- and Ray made this point before -- I think it is extremely important to understand that we are talking -- and I'm probably sure that's what you mean. You

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are talking about a segment of the Internet users which relate more to the ICANN environment. And I think understanding it is extremely important because sometimes at ICANN, I sense that, you know, we don't understand all the time very well, and I mean all of us, the connection of our segment of what we do in the Internet ecosystem because it moves so fast and it evolves so fast. And at the same time, so many other Internet businesses are moving as fast as well and users change behaviors as well.

So I think it is extremely important to understand this segment you are representing absolutely clearly.

And I would appreciate any work you will do in defining this more clearly. And happy to work with you on this.

Why am I saying this? I did a long investigation. And I went back into all of the documents which are available on public interest. And you mentioned the public interest mission as well. Now, when you do this, you will find that actually it is nowhere clearly defined. You don't find it mentioned anywhere and everybody is using this term. Everybody claims he or she is operating in the interest of public interest.

Now, I think it's really important that we clarify this. It's true it is important for At-Large. It is true for everybody engaged in this because, otherwise, there is the danger we misuse this term as well for specific interests because we claim it is in the public interests. It is not defined. There is no clear understanding. So there's a certain danger as well involved.

So I fully support you.

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Maybe when you talk about the Summit, maybe it would be good really to have the Summit -- I don't care if it is a Summit or a workshop, but something to focus on the really important questions we need to define more clearly like this one, for example.

So, yes, very much in favor of doing this but then to be very specific on what you want to achieve and how we can help you.

OLIVIER CREPIN-LEBLOND:

Thank you very much, Erika. And you've raised several points. With regards to the public interest, of course, it is the elusive public interest, how do you define it. And I know a lot of people in this community are trying to find a definition of it. I happen to also be on the ATRT2 and we're also looking at this. So there's a lot of search for the actual definition of it.

With regards to the At-Large's work and whether they represent Internet users or a specific segment of Internet users, it is not represent -- sorry, act in the best interest of a specific segment of Internet users, actually there is some confusion about this, not in the community but I think in ICANN.

Whilst most of the -- most of the parts of ICANN are specifically dealing with gTLDs and are interested in domain names, we need to look at the internet user as the user of the Internet, not interested even in domain names. So even non-registrants but people who are interested in using the net, in other words, they type something on the browser and it gets them there.

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So they might not have an actual interest in purchasing a domain name or in registering their own Web site but what they would have is having something -- be interested in having something these stable, that works, that is non-confusing. This is why sometimes we might have a different point of view than some other parts of ICANN who are more directly involved in the policy making. I'm saying here, for example, parts of the GNSO.

Ray, as a follow-up?

RAY PLZAK:

Yeah, just as to enlarge your remarks, I think that is very much what's behind the relationship that's developed between the ALAC and the ASO. It is for that very precise reason, it is a very good example of that. It has nothing to do with TLDs.

OLIVIER CREPIN-LEBLOND:

Thank you. Izumi Aizu. Thank you for your patience, Izumi.

IZUMI AIZU:

Thank you. I stopped coming to ICANN meetings three years ago because of financial constraints as well as time. And thanks to ICANN this time, they provided me under the ALS arrangement, I was able to fly. I would first like to appreciate the effort.

About public interest issue and the relation with the Summit, I think the question that somebody said, how can At-Large find the interest of 2 billion internet users and then with the specific segment of the Internet? The 2 billion internet users, if you say 2 billion, then most of

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them may not have a very specific interest of the domain names. But they're interrelated to me. And this is a mutual question. To me, it is not the question for At-Large. It is a question for the whole of ICANN. If ICANN is really trying to be or uphold what you claim or we claim, the bottom-up multistakeholder organization, then you have to include the users or the public inside the multistakeholder, as we all know. So it is a challenge.

I read the ALAC's white paper of the R3 or 3R and that's a very good beginning of articulating these areas, how do we answer the challenges.

Having At-Large Summit with 200 people or 400 people out of 2 billion may not be that sufficient, but I think it's a necessary step. Can the United Nations function without a general assembly? Of course, general assembly is not sufficient to represent the entire population of the world. But you have to do a lot of work, and I don't think we can avoid that.

At-Large three or four years ago used to be an additional portion of ICANN, supplemental, but not in the mainstream. Now with all the works of all from the board or from the ALAC ALSs, they are getting better. Again, may not be sufficient yet. But I think it is time for all of us to make At-Large as one of the three or four major pillars of ICANN or mainstreaming this, not supplementally or a well-recognized different portion of ICANN. I think it should be inside. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you very much, Izumi. Does any board member wish to comment on this?

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Okay. Next on the list is Salanieta Tamanikawaiwaimaro.

SALANIETA TAMANIKAIWAIMARO: Good morning everyone. Salanieta Tamanikawaiwaimaro for the transcript.

First of all, I would just like to it is critical, especially when we are talking about global public interest, to always tie it into the objective which is, at the end of the day, legitimacy and meaningful participation. It is one thing to attend a meaning. It is one thing to attend a Summit. But it's quite another thing to sustain a commitment, participation, and representation of the diverse -- and I literally mean "diverse" -- global community of ordinary end users. And that continues to pose as a challenge.

And I would like to respond to Mr. Crocker's invite to comment, particularly from the At-Large community in relation to what we think should and could be done. One of the beautiful things about coming to ICANN meetings is that there are a lot of people who wear multiple hats, ISOC, network operator group, coordinators, RIRs, ASOs, that sort of thing, I would like to encourage particularly the ICANN board if they could push for greater collaboration, particularly in terms of synergy of resources, particularly where you have network operator group meetings and where you ordinarily have NOG topics on the agenda.

But if you can have parallel tracks to allow for ALSs within those particular geographical regions, whether it is the MAYNOG, NANOG, SANNOG, or PACNOG, where I come from, have parallel tracks for policy immersion, developmental processes. And I know the RIRs are doing

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their own bit within the meetings. That would be from where I am sitting an excellent place to start. Thank you.

STEVE CROCKER: Just very quickly, I think that's a really helpful suggestion. And in the spirit of bottoms-up, I would recommend that you and the people that you interact with push on that idea so send a strong message with a suggestion rather than us from the board trying to orchestrate that. But I'll say that we're hearing you and we'll try to condition the staff to be attentive, if you will. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you very much, Steve. And before we close off this subject, I'm -- Sebastien, okay, actually, you are our board member. Go ahead, Sebastien.

SEBASTIEN BACHOLLET: I guess so. I wanted to add to what Steve just said, that there is a good venue for that. We are just creating a meeting strategy working group. And you have one representative for each of your regions in this group. Talk to them and come with your idea in this group. I think it is a good way to push your idea. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you very much, Sebastien. And I would like to close off on the subject by having a remote participant who is Matt Ashtani.

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REMOTE PARTICIPATION: Hi, this is Matt Ashtani. We have a comment from Alejandro Pisanty. Alejandro says: ALSs can only make this question valid if we are ready to subject ourselves to an assessment on, one, internal processes; two, ability to speak for the users; three, proveable contribution; four, ability to recruit new organizations in a transparent, competitive way, i.e., not stacking the deck with artificial membership, which has already happened in a different ICANN structure with lethal effect.

STEVE CROCKER: If I might. I'm looking at the transcript and there is a missed assignment of the name. This was I believe Alejandro Pisanty who was speaking.

OLIVIER CREPIN-LEBLOND: That's correct. And Alejandro is in charge of one of our At-Large structures.

We are well aware of the challenges, and it shows that the committee and the community, sorry, is not complacent about those things. Very much aware.

I would invite board members if you are interested in knowing more about the Summit or the proposal we are putting forward to come to me or any of my team. And if you want, we can even have an ad hoc discussion outside or after this meeting.

Before we close off, we have another five minutes, maybe touching on one last subject. If that's okay with you, Steve? My eyes are failing me already at this time. That's terrible.

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Here we go. How do you reconcile the top-down nature of board or staff-led issue-based cross-community working groups with the bottom-up nature of GNSO PDPs?

The question has been asked around, and I see Bertrand de La Chapelle.

**BERTRAND DE LA CHAPELLE:** Respecting the bottom-up nature of things doesn't mean that there is no top-down dynamic relationship. I never considered that a contradictory element. For instance, you can respect the bottom-up approach but initiate something after all the bylaws, perfectly allow the board to take the initiative of requesting a PDP. And this is in full respect with the bottom-up approach.

The confusion comes when there is the comments about circumventing the PDP also.

And here I would like to take a very concrete example that I think illustrates a methodology that is perfectly in line with the philosophy of the bottom-up approach.

The working -- the expert group that has been set up on the question of new directory services is an innovative way to handle things regarding a PDP. It is something that has been initiated by the board as an intermediary step to prepare the work of a PDP.

Instead of saying, "Staff, please produce an issue paper," it is bringing people from the community -- and I know that there are people from At-Large that are in there, and Carlton in particular who was there

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yesterday -- who are participating in this expert group to frame the issue.

It's not taking anything from the bottom-up policy development process. It's framing the issue.

And so there's not necessarily a negative tension between the two. The key question, for instance, that will happen -- and I'm sure that the working group, the expert group, is thinking about that -- is how do you make the transition? When do you stop an expert group like this one? And when do you pass it to the PDP?

Because if you go too far, you prejudge the PDP, and if you don't go far enough, you lose the benefit of having framed the issue.

STEVE CROCKER:

Let me add: I've seen a version of this statement or question before, and I think there's probably different ways to interpret the words.

The harshest interpretation is, "How dare the board engage in any discussion at all and the initiation of every topic should only come from the bottom?" And as I say that's a purposely chosen harshest interpretation.

And I -- you know, echoing what Bertrand says, that goes way too far.

What should not happen, what must not happen, is for decisions to be made at the top and pushed down slowly, but that's the other extreme.

And there's plenty of room in the middle and one of the useful things that can happen at various levels -- board, staff, and so forth -- is to

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identify topics of interest and to initiate, in various forms -- informally or formally -- discussion, but not to have that go so far as to turn into decisions or kind of dictatorial activity.

And, you know, there's a lot of room for one person's interpretation of trying to be helpful at stimulating conversation to be viewed by another person as somebody's coming in, taking over, and is telling us what to do.

I think we need both a certain amount of good judgment, good behavior on the part of everybody, and a high degree of tolerance and belief that we're engaged in a cooperative process. That's my speech on that subject. I'll refine that over time and try to get it even more compact.

OLIVIER CREPIN-LEBLOND: Thank you very much, Steve.

Ray Plzak.

RAY PLZAK: Thank you, Olivier.

Let me expand a little bit on what Bertrand has said.

It's not only that the board can ask the question, can ask for advice. I mean, and it is codified both in the GNSO document, it's also codified in the ASO MoU where the board is given the responsibility to ask it.

So when you look at the bottom-up process, it's not the fact that something gets warm and bubbles up, you know. Everybody in there has a role but everybody in there has a responsibility. And the board

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would be abrogating its responsibility if it did not see something and seek advice and ask the question, minimally, "Should a policy be created in this area?"

If the board fails to do that, then the board is not acting responsibly, which is the reason you have the board there in the first place.

OLIVIER CREPIN-LEBLOND: Thank you very much, Ray.

We have Cherine Chalaby and then Judith. Oh. And then -- okay. So Cherine, first.

CHERINE CHALABY: I want to -- I want to talk about something related to that, and that is, several times we got advice from the GAC, and as part of our due diligence we would go down to, for example, the GNSO and say, "We intend to implement this advice. Do you know of any impediment or do you have any objection for us going forward? Let us know."

And the GNSO found that very difficult to deal with because they're only used to a PDP process. They don't have a mechanism to handle advice on a short-term basis. So this is another example of -- it's not a top-down, but we get something at the board level and we need to go down and ask for some sort of advice, and that is very hard to deal with.

So one of the things we discussed with them is that they need to find a way of handling these two processes separately. One where you request a PDP and that takes time and goes through the normal process; and the other one when you have a short-term deadline and

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you need some recommendation before going forward and implementing some GAC advice.

OLIVIER CREPIN-LEBLOND: Thank you, Cherine.

Just a very short reply because we are running out of time.

Evan Leibovitch.

EVAN LEIBOVITCH: Hi. Cherine, I just wanted to refer to something. When you said -- when you say the GAC sends you something and then you say to the GNSO, "We intend to implement that advice," arguably, that statement in itself could be seen as a way to circumvent the bottom-up process by saying, "Here is something from the top that's gone to the board and is now being pushed down to the GNSO to act in a way that the GNSO itself may not want."

And in fact, I think we've already seen that in a couple of circumstances.

So when you have a situation where the GAC advice may either be counter to or discongruent with what the GNSO has said then does that constitute top-down or is that something else?

This starts to now get into this whole mess of policy and implementation, which is a whole other question, but you can see how, with the statement of, "We've received the GAC advice and we want to implement that," if the GNSO or the other parts of the bottom-up process don't agree with that advice, how do you reconcile that?

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STEVE CROCKER: Yeah. Let me just insert: I don't know the precise wording and the precise way in which it was transmitted and whether or not it was said as, you know, succinctly as "We intend to implement, you know, tell us what you think," but we could choose slightly better wording of, "We have received this advice and we need your advice regarding that advice," if you will.

We'll make a point of looking at that and getting that -- and tuning that right in order to avoid overstating the situation. And now all kinds of hands have gone up.

OLIVIER CREPIN-LEBLOND: Okay, guys. I see a lot of people with their hands up. Okay. Cherine wishes to respond and then we'll go through the queue. The queue is closed.

CHERINE CHALABY: It may have been -- I don't know the exact choice of word, but I echo Steve's point, which is, part of our due diligence is to go back and seek advice and not to circumvent the system.

OLIVIER CREPIN-LEBLOND: Thank you very much, Cherine. I realize that we are running out of time. However, we have started a few minutes late. Is it okay if we do a few more?

STEVE CROCKER: Five minutes, max.

OLIVIER CREPIN-LEBLOND: Five minutes, max.

Okay. So in the queue, we have Judith Vasquez, Olga Madruga-Forti, and we will -- Judith.

JUDITH VAZQUEZ: Admittedly --

OLIVIER CREPIN-LEBLOND: And Y.J. Park. Sorry, Judith. Go ahead.

JUDITH VAZQUEZ: Yes. Admittedly, I'm new to the -- to ICANN. New to its board. On the issue of reconciling bottom-up and top-down, I'd like to bring to the table the context of ICANN meeting as a community to bring critical decisions around the Internet forward. And many times, to be honest with you, I have yet to see our board force an issue into the organization.

There may be a perception of this, but the truth is we are so very careful not to do this.

OLIVIER CREPIN-LEBLOND: Thank you very much, Judith. Next is Olga Madruga-Forti.

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OLGA MADRUGA-FORTI: Thank you, Olivier. I will be brief by getting straight to the point.

I have to say that when I read this topic point, "How do you reconcile the top-down nature of the board or staff," I immediately read between the lines in it a sense of frustration and a bit of negativity.

I think in the multistakeholder model, when you use words like "top-down," there is a frustration being expressed.

So from the board perspective, I can only address that frustration by saying that many of the things that we work on are very time-sensitive or specific, and I would certainly not want any of our work and what we do to be characterized as top-down in nature.

I see the board more as not even being on the top or on the bottom, but rather laterally with all of you working towards the same goals and resolutions.

So I would hold that in mind and recognize that sometimes when the board reaches out, it is reaching laterally and not down, precisely to seek out input that we need to come to certain resolutions. And I would always invite you to participate in that process and not to consider from what arrow it may be coming from.

Thanks.

OLIVIER CREPIN-LEBLOND: Thank you very much, Olga, and I can assure you there was no hostility intended. We just do like to spice up our questions a little bit from time to time.

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We've just got two more people in the queue. Y.J. Park and then Bill Graham, you will be able to close the debate. Y.J.?

Y.J. PARK:

Yes. Y.J. Park from, yeah, APRALO, vice chair, but I'm speaking as a part of this -- member of Asia community who has been underrepresented in this, the ICANN process.

Maybe because we are not really familiar with this bottom-up process in general in Asia.

So I think that we've been like struggling with grappling with this bottom-up process. Not only this At-Large process but also probably like lots of the government representatives in the GAC, so this is going to be just my comment that it might be one of the -- sort of the (indiscernible) approach for the GAC community in Asia and then the At-Large community in Asia who happen to struggle with, you know, understanding of the essence of this multistakeholders in this process work together and to understand better about this public interest representation and this process. Because whenever I see all of these ICANN processes, as you all probably, like, agree, a lot of the Asians are not really represented in this process, and one of the main reasons is we feel very uncomfortable with this kind of new public Internet policymaking process, so-called bottom-up, which was not integrated in our culture.

So we are like learning and -- but it's a very painful process. And so hopefully sort of, you know, those who have difficulty with understanding this get together, have more chance to work together, so

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it might be, you know, more constructive process in this -- you know, later down this road. But I don't know why I --

OLIVIER CREPIN-LEBLOND: It's something that is quite new for a lot of people. Perhaps we know a lot more in this community out here in ICANN than in other organizations.

We are totally running out of time. Bill Graham has very kindly said he is okay without expressing himself.

If you wish, but otherwise, I turn the meeting over to Steve Crocker.

STEVE CROCKER: Thank you.

As has become the tradition, these interactions are substantive, direct, and quite frank, and that's the way it should be. Otherwise we're not making very good use of our time.

So with that, let me, on behalf of the board, thank you very much and really appreciate the directness and focus that is evident here, and as I have said many times, I've had the pleasure of watching the At-Large organization evolve from a nascent group to a very potent and well-organized and effective force within ICANN, far more than I would have expected at the outset, and so I'm just a real fan and strong supporter.

So thank you all.

OLIVIER CREPIN-LEBLOND: Thank you very much, Steve. The At-Large community does feel this, so thank you to all of you.

[ Applause ]

[ End of Session ]