

---

BEIJING – ICANN Public Forum

Thursday, April 11, 2013 – 13:30 to 18:00

ICANN – Beijing, People’s Republic of China

STEVE CROCKER:

All right. We will begin. My name is Steve Crocker. I'm chairman of the board of ICANN. It is my deep and complete pleasure to welcome everybody here. Partly because this is a really important part of the overall program. Partly because we've had an extremely good meeting in Beijing and it's in fact historic to be here. And for those of you who know me and know what's coming, and partly because we're almost done.

We have taken some time to think through how best to use this portion of the meeting. We have allocated a significant chunk of time on this last day of the meeting, and we have been incrementally improving, tweaking, adjusting things. One of the visible things that you'll see is that the board is not sitting up on the stage. We wanted to try to bring the board closer to all of you. This is an experiment. We'll see how this works and we're happy to continue evolving this, and so we'll look for feedback on that. But I don't want to spend all of our time discussing the shape of the table.

The main part of what happens today is the public forum. There's a couple other parts that I'll come back to in a second. The public forum is the community's opportunity to make comments, ask questions, your chance to talk directly to the board in front of everybody else. It's intended to encourage dialogue and put things on our radar that might

---

*Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.*

---

not have been there previously. But I need to say a couple of things about what it is not. The board is not an operating body that petitions, gets suggest -- presented to and we make decisions about it. There is a very extensive process which you are all part of, and by the time the board passes formal resolutions, there is a very well-documented and extended process. So in this public forum, which will be followed immediately by a formal board meeting which we will conduct here visibly, is not the time to petition us or to lobby or to make speeches even about the issues that are on the agenda for this afternoon. That time was earlier. The optimum kinds of things to raise are the ones that are coming up, not in the super distant future and not in the -- this afternoon but in the time after this meeting and in the, say, the rest of this year. So that's one key point.

Another key point is that we have tried to put a bit of structure into the public forum process and Brad White will take you through the details of that in a few minutes when I finish.

The other thing that we have started a while ago and we are continually improving is that we committed to keep track of what we were hearing, not just in the public forum but at other times during the week. The board spends a good fraction of its time meeting with different groups, with stakeholder groups, constituencies, Supporting Organizations, and so forth, and we encourage, actively encourage, some very frank and direct discussion in those sessions and in addition to the back and forth that happens during those times, we try to keep track of what we've heard and we committed sometime ago that we would tell you what we heard and then tell you what we were going to do about it and then tell you subsequently what we did do about it. So in -- after Brad takes you

---

through the public forum process, I'll come back and cover what came out of the Toronto meeting, what we heard, what we said we were going to do, and what we actually have done. We had originally also tried to give a written presentation of what we were hearing during this week. That turns out to be a stretch. Turns out to be a little too quick. I will give you an oral sample, not complete, and then we are committed to publishing this in an organized way within a relatively short time after this meeting. What's our commitment? I know what I remember, but I --

>>

One month.

STEVE CROCKER:

One month? One month. There's certain reality about how long it takes to get things done and recover from travel and so forth. But in a timely way. Very prompt clock.

So I think that covers the introductory remarks. As I said, we'll have this report on what we've heard, we'll move into the public forum structure, and then we'll end with the formal board meeting. That's actually not quite the end. We have cocktails afterwards in which hopefully no business will be conducted. All right. Brad, over to you.

BRAD WHITE:

Thanks, Steve. Basically this session is all about the board members hearing you. To facilitate that for people in the room we've got two mics. If you'd queue up and make two lines here. Remote participants

---

have got two ways to submit questions and/or comments. One is by an e-mail address, [forum@icann.org](mailto:forum@icann.org). This is listed, by the way, on the schedule for this particular meeting on the Web site. We also have something new that we've not done in past public forums and that is the remote participants can also join us by telephone. There is a listing on the schedule for this particular meeting that will have a link to the international telephone access numbers and the pin code. People can dial in. They'll reach the conference operator. Your line will be muted. If you have a question and you're calling in by phone, you hit pound 3. Please give the conference operator your name, where you're calling from, what it is you want to talk about. We'll get that information, we'll queue these folks, and we'll be able to unmute the mic and take the question live.

There's a time limitation, we've modified slightly. Those of you who were you in Toronto realized we had a two-minute limit on time. We're doing this a little bit differently in that there's what we call two bites of the apple. So for each subject you have one initial two-minute period to make your question or comment and on that same subject you have a second opportunity, only a second opportunity, to ask a follow-up question or something of that nature. What we were trying to prevent or try to work around is multiple queues by the same people over and over again. If you run over two minutes, we'll give you a subtle warning. Ted, give us the subtle warning.

[ buzzer ]

We got that from my ex's divorce attorney. That's my ringtone.

---

[ Laughter ]

So that's what you're going to hear if you run over. I think that's pretty much everything. Steve, did I miss anything?

STEVE CROCKER: Sorry?

BRAD WHITE: I said, did I miss anything?

STEVE CROCKER: No.

BRAD WHITE: Is that it?

STEVE CROCKER: No, I think --

[ Speaker is off microphone. ]

BRAD WHITE: Oh, that's right, Sebastien. Translation headsets are over here. We would encourage you to get some now, before things get rolling. And I think they're at both tables, if memory serves me. Steve.

---

STEVE CROCKER: Thank you very much, Brad. I neglected to mention one extremely important portion of our proceedings here which is right now. A handful of very hard-working people are stepping down from their posts and will make a very brief ceremony with certificates of appreciation. I hope that we're prepared to do this. I need somebody to call the people up. Who's got the list? And who's got the certificates? Over there. Good.

BRAD WHITE: We have the certificates right here, Steve. We're going to bring them right up to you, and we'll be announcing the names in one half sec. We're having a slight technical problem.

STEVE CROCKER: The procedure will be this time we will use the stage so that everybody can see. There are stairs on both sides, I guess. Come on up. I think there will be four people, if I recall correctly.

BRAD WHITE: All right. If the following people could please go up, that would be great. Marilyn Cade, Fernando Espana, Paulos -- and I hope I don't mangle this name too much -- Nyirenda, and Rolando Toledo. If those folks could please go on stage. Are the other folks in the room? Otherwise Marilyn gets four certificates.

---

STEVE CROCKER: Well, this is easy. Marilyn points out she's not stepping down, she's only stepping aside. I fully expect, I know everyone else does, that Marilyn will continue to be actively involved. And so as Brad suggested, would you take care of handing these out to the others?

[ Laughter ]

I just want to make sure.

She'll be the last one, Steve. Always is.

MARILYN CADE: Thank you.

[ Applause ]

STEVE CROCKER: All right. As I said, I want to tell you what -- what we've heard in the past, and there are two parts to this. There's what we've heard this week and there's what we heard in Toronto with the follow-up actions associated with that. We have published the actions after Toronto and we'll put those up on the screen. With respect to the actions with respect to what we've heard this week, we've stepped back from our original goal of trying to publish that on the spot and we will publish it in a month's time. But the main elements include messages related to the RAA negotiation which has been going on for a long time and has really picked up quite a bit of speed and is reaching closure, and in that process a number of side questions have come up.

---

Another area is that our esteemed colleagues in the Address Supporting Organization have raised some very legitimate questions about how the ASO fits into the ICANN meeting structure and a set of interactions there. We will expand all of that and make it much clearer and make it -  
- I also want to be very clear that this is not intended to be an exhaustive list. I just wanted to hit a couple of the highlights and they're not to the exclusion of anything else.

And you'll see, as I said, that we will publish that in a month's time or less. And if there were key things not included there, I -- I and the board and staff fully expect to hear from you so that we can correct any oversight.

Let me go to what came out of the Toronto meeting. Can we put up the list. Are we prepared to do that?

NANCY LUPIANO:

We're waiting for the list. If someone would send it, we would appreciate it.

STEVE CROCKER:

Okay. Let me take you through verbally for a minute. So we have what we call the ICANN board-stakeholder action list, these are items that came from the ICANN meeting 45 in Toronto. Last updated third week of March, updated -- or fourth week of March, updated 26 March. And there are a dozen -- 13 distinct items. The first one is on WCIT, what we heard, where action is needed to establish an ICANN mailing list for those in the ICANN community who will be at WCIT. So this is now a

---

long time ago. The proposed action is direct the staff to set up a mailing list, and that was done.

Another is with respect to strategic planning. The advice was, don't proceed with the standard cycle that we were in of 2013-2016 strategic plan. Prepare a new procedure. And in fact, the board has been discussing this since its retreat in September in Los Angeles, plans to continue work on it. And our next retreat in May in Amsterdam will be focused on strategic planning as the -- an early part of a cycle that will unfold and include the entire community, all the different constituencies and every element of the community.

Let me just say a word about these retreats. We have evolved into having three days of face-to-face interactions for the board. Some number of weeks prior to each upcoming ICANN meeting serves three purposes. One purpose is whatever we need to do to be prepared for the upcoming meeting. Another is to come up to speed on the various events, a sort of state of affairs. We squeeze in committee meetings, of course. And then the special character of each retreat will be -- it will be some particular theme, and as I said coming up in May the focus will be on strategic planning. These are important, from my point of view. They help the board function and keep up with what's going on and the pace has picked up quite a bit since Fadi came on board and so we have to scramble to keep up with him.

The third topic that we had advice about last time was on GAC advice. We heard several matters related to GAC that -- which it expects will be addressed in its communique, and there were some issues about how rapidly the board responds to the communique. We acknowledge the

---

problem. We've now worked out procedures to be pretty focused on actively and aggressively dealing with each of the pieces of advice that come in the communique, respond in a very timely way, and be very respectful of the -- the needs of the GAC members to have inputs or responses in a way that they can process them well in advance of the next upcoming ICANN meeting.

With respect to WHOIS review report, there was no consensus on what actions should follow the WHOIS review. We said we'd follow -- we'd discuss it and take action. Here we took a very aggressive action. We accepted the WHOIS review team's recommendations, we put in motion very forceful implementation of those recommendations, and at the same time we took what we -- what we think of as one of the more important strategic actions dealing with a very naughty problem that has existed for a very long time which is there are some fundamentals in the whole WHOIS system that need to be examined fresh. So we created what we -- what we called variously a two-prong approach or a two-track approach. The first being the support and implementation for the WHOIS review team's recommendations, as I said. And the second is a fresh examination of what -- of what we're calling next generation directory services, very assiduously avoiding the word "WHOIS" in this second track in order to make sure we're talking about two different things and set up an Expert Working Group to help frame the questions which will then go into a Policy Development Process in the GNSO. We - - there's no attempt here to subvert or circumvent the Policy Development Process but there is a strong recommend -- recognition that in the past that effort -- PDP efforts in this arena have run afoul because it's a very complicated naughty problem so we wanted to try to

---

get some coherent discussion and technical analysis and then set the Policy Development Process on a positive course.

The fifth topic is patents in -- does someone have it up? I apologize. Patents in policy processes, various parts of the GNSO have indicated that future policy in this area may be needed and that we should address it before it becomes a concern. We said we would request expert advice on this topic. ICANN staff is in the process of scoping and organizing the collection of expert advice and we will follow up further. So this is something that is taking longer than just one cycle to deal with.

Topic 6, Article 29 working party letter, a lot of concerns were expressed and we said we'd take that into account in finalizing the negotiation of the RAA. And that is still not completely resolved and will -- I expect we'll have some fairly serious reporting on that.

Topic 7 was the JAS applications and the suggestion was that these applications should be given priority in this round and improved in the next round. The treatment during this round is in the hands of the CEO and new gTLD program committee. We have to note that there were three applications that came in under that program and only one has -- has been accepted. So there isn't a whole lot to say about that. Our view is that there's no action needed at this point but in the next round we will give that considerable attention.

Topic 8 is general implementation issues with respect to new gTLDs, a lengthy list: URS, IDN variants, business constituency and intellectual property constituency requirements, IANA function, department

---

readiness, registry services readiness, compliance -- contractual compliance team readiness. And our response on the spot was to instruct the CEO to pay full attention, which he has certainly done.

Work on all of these things is ongoing. Several of them we are well past the point of uncertainty, and we have things under pretty strong control. There's still some areas, IDN variants, for example, that there's some warning signals that we have to pay attention to.

New gTLD funds document the total amount borrowed from the reserve fund to finance the prerevenue period, document the intended repayment schedule. We said we'd do that. Detailed documentation of costs since defined beginning of the program is in the process of being gathered and formalized into a centralized document. Repayment schedule has been determined in the revenue expense recognition position paper and corresponds to a monthly repayment throughout the evaluation process.

I can tell you this is an area that I personally feel very strongly about. I think we have to be very, very forthcoming and clear about the handling of these funds. I know there is a lot of interest of what's going to happen to what seems like a very large amount of money, and there is no question that we have to not only as I say be forthright but also be clear enough that people understand what's been done and what hasn't been done.

Item 10, prioritization draw. There was generally positive feedback that IDNs should have priority a number of suggestions were made to give preference to various subgroups. The next generation program

---

committee will consider feedback from this meeting, and the prioritization draw is now well over. It was held 17th December and went exceedingly well.

Item 11, rights protection in new gTLDs, a handful of concerns were raised regarding rights protection mechanisms. The IPC and business constituency reached some consensus. All of these were put in the hands of the CEO. A series of stakeholder meetings were convened to review the rights process mechanism in light of the IPC and business constituency list of recommendations. This resulted in a strawman solution which was posted for public comment. And the GNSO provided its input in public comment summary and review of the analysis was posted.

Item 12, trademark clearinghouse, significant number of issues regarding to trademark clearinghouse both from an implementation a cost point of view. The board supported the CEO's decision to make solving these issues top priority. We agreed that all of this would be made public and that one key point is that the rights -- the intellectual property rights associated with the information in the trademark clearinghouse would remain with ICANN and not become a commercial property.

What we've done since then is that changes have been made to the technical implementation in response to stakeholder feedback. The trademark clearinghouse agreement has been split across functions in several agreements which are posted -- will be posted and the agreements reflect that the rights of the database, of course, remain with ICANN.

---

And the last topic, submission of public forum topics, we heard that topics should be submitted in advance. We forwarded this to staff and the Public Participation Committee that Sebastien Bachollet chairs. And as you've seen and as you will continue to see this afternoon, we've tried to integrate some of those ideas and evolve further.

So I apologize for having to read through these. I hope it's not been too tedious. But let me open the floor for questions on any or all of these.

Oh, my goodness, my voice put you all to sleep. I like it. I like it.

Brad, what do I do now?

[ Laughter ]

BRAD WHITE: The word "punt" comes to mind.

STEVE CROCKER: Thank you all.

All right. So now we move into the heart of the program, opening the microphones for people to get into different topics. You see posted on the screen -- up there, yeah, the same thing I see in front of me.

The first topic is: Registry and registrar agreements. And Bill Graham has been selected to act as the board facilitator. So he will call on people, listen to the questions and then involve any of us or staff even if necessary to try to be responsive to what we're hearing and so the

---

dialogue begins. We are going to do this, and then we'll take a break and come back.

This will be segment 1. When we come back from the break, we'll have the best part of the program for presentation about the next meeting in Durban, South Africa. And then we'll move into successive issues.

And, Bill, the floor is now yours.

BILL GRAHAM:

Great, thank you, Steve. Welcome, everybody. I'm glad to be the Guinea pig facilitator in this new format. Topic one is registry and registrar agreements. As you know, there has been a good deal of activity on both these fronts this week. And because of that, I'd like to turn first to CEO, Fadi Chehade, to give us an update on where this is and then we'll be going to the mics. I see a line already beginning to form.

Fadi, please?

FADI CHEHADE:

Okay. Good afternoon, everyone. I think many of the elements of the update may already be known to many of you here since we've been living with each other for a few days in this space. But let me just summarize where we are.

First of all, I'm very, very pleased to share with you that we have reached an agreement in principle with the registrars on a new form of a RAA. I think that most of you know that we are still in an active

---

comment period on the earlier version. The changes to that version that are posted are largely limited to the areas where we were still not in full agreement. There may be a couple of other areas of interest to some of you, but, in general, we are very, very pleased. We've made great progress with the registrar community. And I want to publicly thank the registrars for the incredible goodwill and hard work, especially their negotiating team has put into making this work for the community.

We did negotiate this on behalf of the community. And we were in intense listening mode throughout -- and continue to be throughout the comment period. And we have listened to you here during the Beijing period intently. And all of this will be part of how we come to some conclusions on that.

On the RA side -- and I will comment on both of these, where we go forward on both of these in a moment. But let me just update you on the RA side. That's the New gTLD Registry Agreement. We have also made substantial progress with the registries during the Beijing meeting.

So aside from everything else that we've all been involved in here, we have had intense discussions with many of the registries to ensure that we can also advance that agreement forward and make sure that contracting is a key activity that we all can move forward with to enable the new gTLD program.

Now, as you know, this agreement was posted on February 5th originally. It is -- it completed the first 21 days of comment period.

---

Right before we came to Beijing, we had taken a lot of these comments to heart and published another version of the agreement that addressed many of these comments. During Beijing, we've been listening to many of you and talking to the registries.

And we believe that early next week we will have new versions of the RA and RAA agreements that reflect many of the comments we got available to the entire community.

Now, as CEO, I recommend in light of listening to all of you also during these few days that we actually subject these new agreement versions to the full process of comment by the community. These are substantive agreements. And even though you've seen versions of them that are largely what will be in the final version released next week, I am of the opinion given, again, many of your good comments throughout the week on the importance of process and my continued commitment, as I told you in the opening, to the multistakeholder model and its incredible, magical effect on who we are, to actually expose these agreements to the full input of the community.

And so I look to your input this afternoon as to how we can do that. We had originally planned to have the board meet on the 20th of April to approve these agreements. I have asked the board to cancel this meeting so that we can allow for enough time for comments. So I'm here and I'm listening, and I hope this afternoon we can have a positive debate on the right approach to ensure that all of you have a voice, all of you -- all of us have a voice into how these agreements end up being approved so we can frankly, all of us, including the registries and registrars, and I emphasize including the registries and registrars, who

---

worked extremely hard to get to this point so we can very proud in front of the world that these agreements are the result of good-faith discussions including community input.

Bill?

BILL GRAHAM:

Thank you, Fadi. That's -- that's great to have that update.

So we'll turn to the mic now and Amadeu, I think you were the first up. Let me remind you that when you speak at the mic, please state your name for the scribes and also your affiliation where that's applicable. Thank you.

AMADEU ABRIL i ABRIL:

Amadeu Abril i Abril from CORE. And my affiliation, well, my father was (saying name) Abril and my mother is (saying name) Abril, if that's what you mean. And I work for CORE, if that's the other thing you mean.

Regarding this RA, RAA, I will not go into the details of the negotiation. There are lots of things that are open.

I will thank Fadi for expressing that you put out for public comment. I think this is absolutely needed and would be a procedure that we cannot refrain from having.

But I also would raise the attention of the board to something that's been happening all this time. And I would like the board talking with Fadi and his team and let them understand we are not the enemies. We

---

are not trying to steal ICANN from anything. We are not complete idiots or children. And we don't deserve the kind of treatment we have been having here, absolute patronizing and with absolute lack of respect and transparency.

You cannot just publish things in a blog and expect people to comment, and there are many examples that they will not be able to comment because of the (indiscernible) limit.

Let me say that many of us are very, very frustrated about the way this is done and also about the attitude of the new managing team that seems to believe that everything that was discussed before they arrived does not exist. This is not the way we should handle things.

BILL GRAHAM:

Thank you. Next up, please.

ADRIAN KINDERIS:

Yes, good afternoon, my name is Adrian Kinderis from ARI Registry Services. I just wanted to thank Fadi again for his -- for the information he has provided. Fadi, I would ask a couple of things. Number one, do you have any idea of the length of the comment period that you're proposing or is there a standard that you're applying here. I know you are well aware that any delay to the program is a concern to many of the people in the audience here and, indeed, all of the applicants that have been waiting some time.

Can I ask that you, where possible, try to build in as much certainty as possible to the process.

---

Outside of the comment period, I would also like to commend you with -- commend you for suggesting the April 20 date in the first place. I think that helped mobilize the community, and we got a lot of work done this week because of that.

Based on that, can I ask you to then also pinpoint another date in the future that we can aim for as quickly as possible? Whether that's the board meeting in May and whether that can then help shape the length of the comment period that I raised earlier.

So I think having timelines and deadlines is very, very important. We don't want to see this continue to drag on. And I think without these things, folks will see for more opportunity for delay and to re-open Pandora's box. So thank you.

BILL GRAHAM: Fadi, do you want to respond, please?

FADI CHEHADE: Adrian, thank you. We all need to listen to each other this afternoon. That's why we are here. I appreciate your interest in what I would call clarity and visibility so everyone can plan their work. There is a lot of work. And I know now firsthand how much registries and registrars now, because of the new agreement, have to do. The impact on their business to get ready to abide by the spirit of the new contract. I appreciate the need for that.

---

Let's listen to each other this afternoon. Here's what I am prepared to commit to you. By the end of this afternoon's session, we should have a date. But that date should be after listening to everyone together.

ADRIAN KINDERIS: Thank you.

BILL GRAHAM: Okay, thank you. Next up, please?

MICHELE NEYLON: Michele Neylon, registrar from Blacknight in Ireland. I'm speaking on behalf of myself and of my own company. I'm just going to follow up a little bit on Adrian. The entire timelines and deadlines is key. Now, I realize and I understand that adding new text, new documents will require feedback from the community.

However, in the contract negotiations, my understanding that you set a 1st of January, 2014 date for the new obligations. As a registrar, that means I will have to do significant amount of work in terms of training staff, repurposing systems, rejigging systems. There is a lot of extra burden on us. I'm not looking for people to kind of feel sorry for me, but you have to be realistic. There is no way that if we extend out a comment period endlessly that we can sign a new agreement and keep the January 1st deadline. That's impossible.

So what I would ask you to do is no matter what period you set for a comment period and feedback or whatever you want to call it, that you

---

take that into account with respect to the trigger date for the new obligations.

As a registrar, I'm quite happy to agree to the obligations under the new contract, the obligations that we're being given are now something that we can agree to. However, we do need the time to do this. I would take issue with your spirit of the contract comment. Your compliance team does not have that leeway. They have to enforce the word of the contract, not its spirit.

You cannot use ambiguous terminology and expect either them or the rest of the community to understand what the obligations and the rights and the entitlements and all of those things are. So I think you should be careful with your wording. Thank you.

BILL GRAHAM: Thank you. Steve, please.

STEVE METALITZ: Yes, this is Steve Metalitz. I'm here representing the coalition for online accountability, a member of the intellectual property constituency.

I want to support some of what Michele just said. I'm here speaking mostly about the Registrar Accreditation Agreement.

As Fadi pointed out, that agreement was negotiated by ICANN on behalf of the community. And it is critical, it is essential that the community have a reasonable opportunity to review and comment on not the spirit of the contract but, as Michele said, the words of the contract. So we

---

need to see those words. We need to have a chance to give our views on them. We need to have enough time for those views to be considered and to be acted upon.

I also agree with Michele that with the deadline that's in the -- as I understand it in the draft agreement, that we have -- this comment period needs to be finite a reasonable period of time. We know there is -- just from seeing the draft, there is a lot of positive steps that have been taken in this RAA.

We did submit comments in the original 21-day comment period and we identified a number of areas where we think further improvements are needed.

So we will look forward to the opportunity to comment on the actual text and to have a reasonable, finite comment period and bring this to a conclusion after the community has been heard and the staff and the registrars have had a chance to react to that feedback about this agreement that has been negotiated on our behalf. Thank you very much.

BILL GRAHAM:

Thank you, Steve.

Wendy, you're up, please.

WENDY SELTZER:

Thank you. Wendy Seltzer from the noncommercial stakeholder groups

--

---

[ Buzzer sounds. ]

[ Laughter ]

WENDY SELTZER: I knew it.

BILL GRAHAM: Next up, please.

[ Laughter ]

It wasn't personal.

WENDY SELTZER: Thanks. I wanted to comment on the Registrar Accreditation Agreement. The noncommercial stakeholder group has been concerned from the beginning that as these agreements are the foundation of registrants' rights and expectations of the Domain Name System, that registrant privacy be guaranteed to a greater extent than it has been. And in place of the registrants' rights and responsibilities document that's attached to the current draft, we're preparing a real registrants' rights and responsibilities document to establish the expectations that we have for a platform that supports the expression and communication that we depend upon the Domain Name System. So that would include the right to reliable resolution of the name, the right to -- and I'm sorry, my computer crashed just as I was getting up here to

---

offer you more detail -- but rights to freedom from discrimination, rights not to be subject to censorship from registries and registrars.

And none of these things are particularly -- sorry. --

[ Buzzer sounds. ]

And now I get the buzzer.

But in particular, the right to privacy in the registration.

BILL GRAHAM:

Thank you. J. Scott, please.

J. SCOTT EVANS:

Thank you very much. J. Scott Evans from Yahoo! As an example of the complicated world in which we all now live, I would speak as an officer and a member of the board of directors for the International Trademark Association, a member of the intellectual property constituency, to say that we fully support the comments of Steve Metalitz and the need for public comment with regard to the RAA.

Now, stepping into my new role as the owner of the dot flicker and dot yahoo applications, I want to say a special thanks to NTAG and to the contracted registries who have allowed those brand applicants to participate in RA discussions during this week so that we could coalesce around the common issues that both brands, open and closed generics registries have so that we can deal with efficiencies with the staff who is overburdened to do the best we can to bring things to a resolution.

---

I would also like to thank the board and the staff for meeting today with the brand registry group, information that is trying to coalesce the brand owners so that we can take care of the brand owner closed single-user, single-brand-owner registries into an efficient model so we can deal with issues that would deal with about 80% of the issues regarding those applications. I think I said this in the GAC meeting the other day. I want to thank you for that. We're going to proselytize this outside of this universe to brand owners who have applied but attend. We are going to do as much as we can to be a positive force.

In that regard, I personally like to thank Fadi Chehade for his positive leadership and his proactiveness to bring like-minded voices into a room, to bring this to a mature organization that looks for a positive, business-sensible solutions. Thank you.

[ Applause ]

**BILL GRAHAM:** Thank you. Next up on the right, please.

**JON NEVETT:** Jon Nevett from Donuts. I, too, want to thank folks in the room for working so hard over the last few days to try to reach resolution on changes to a Registry Agreement. I do note that it is April 11th and tomorrow is the one-year anniversary of when the guidebook application period was to end, April 12th. And the first TLD should have been in the root in January. So a lot of applicants are very anxious,

---

understandably, to get this done. And we are working very hard with staff to get it done.

I understand the need for public comment. I agree with Steve Metalitz it should be limited as necessary but long enough to make it real and worthwhile.

Two ideas, though, in order to prevent further delay, one would be either flip predelegation testing and contracting such that you're not waiting for the trigger of the contract to start testing. We could start testing earlier.

Or alternatively we could sign the contract we have already negotiated which was in the guidebook and use that amendment mechanism to change it, to update it as new ones come along. So I think there are a couple of ideas to prevent the delay that is inevitable based on the new process and we can move forward that way. Thank you.

[ Applause ]

BILL GRAHAM:

Good. Thank you. Let me just remind people who pay be participating remotely that we do have voice access available, as Brad described at the beginning. So please feel free to use that.

Next up, please.

---

**PAUL FOODY:** Hello, Paul Foody. We were talking about the RAA. The RAA includes in it registrants rights and responsibilities. If you are going to demand the registrants are responsible for stuff, it would be nice if you would let them know exactly what they are letting themselves in for, even if they don't know. It would be great if ICANN could introduce some sort of measure to communicate. Thank you.

**BILL GRAHAM:** Thank you. Next, please.

**BILL SMITH:** This is Bill Smith with Paypal. First, I would like to say the board acting in the public interest has negotiated in good faith with the registrars and that the opposite is also true.

We hear that we will soon see an RAA that the two parties have agreed to and we have an agreement in principle. That's a good thing.

However, from the perspective of a registrant, this appears to be an unilateral action with language that we are compelled to accept without an ability to enter into a negotiation. I realize that law enforcement was part of the negotiations and that some of the issues of concern to us have been addressed. But I believe we need a more agile and response mechanism for a level of actors. If we are going to be a truly adult organization we have to find a way to do this, to respond and react to threats as they are presented to us.

---

We've also been told -- and I want to follow up on what Wendy said -- that registrants rights and responsibilities have now been published and that the registrars drafted that for us.

With respect, the registrants would like to be able to have some say in that. And I see very little change in those rights and responsibilities, in particular the rights since the last agreement.

I hope we can evolve our processes and have a RAA that truly addresses the interest of the registrants and the registrars and the registries. And I can believe that we can do this without introducing undue delay. Thank you.

BILL GRAHAM:

Thank you. Next, please.

WERNER STAUB:

My name is Werner Staub. I work for CORE. I have a comment about the registry -- or registrar agreement, I meant to say, and specifically the assumptions underline the registrants' rights and responsibilities also in the way this document was negotiated.

First of all, registrants rights and responsibilities implies that there is one single mold for all registrants. This is not true. If you look at just a couple of domains but the domain is not actually given as property to someone, look at internic.net or iana.org what are the rights and responsibilities for those names? As it turns out for new gTLDs there will be many of those where there is actually a domain used to confirm

---

a duty, not rights, to a party. And I'm not sure what to do with that document in that context.

Now, with respect to the registrars, we had, indeed, an agreement, as you said, between the registrars.

Who are those registrars? They are what I call, if you make an analogy with the pharmaceutical market, the truckers that bring the stuff to the pharmacies. That's what ICANN is ICANN is doing. It regulates the truckers, and let's the medication be sold by just anyone to the public.

This is the wrong way of regulating. We behave as if the sellers do not exist. Actually, in most cases, formally or informally, the resellers are in there and the only thing we find in those documents is that the registrar has the responsibility to make the reseller take all kinds of obligations, but the reseller is not identified. We have absolutely no process for that.

So if you want to make it fit, we have to have some way of engaging the resellers, and what their reaction is.

[ Buzzer sounds ]

BILL GRAHAM: Thank you. Next, please.

JORDYN BUCHANAN: Hello. My name is Jordyn Buchanan. I'm with Charleston Rhodes Registry, or Google.

---

So I do know there's been an awful lot of public comments related to -- and I'll mostly focus my attention on the registry agreement in particular, the base registry agreement itself recently, on the PICDRP process, and other elements that find their selves moving their way into the registry agreement.

So one thing I don't think we have seen is a summary of what those existing comments look like, and especially on the topic like PICDRP where the public comment period closed relatively recently.

There's also been a lot of other opportunities for dialogue with ICANN over recent months about the registry agreement, either in Fadi himself engaging the registry constituency recently, as well as the community call that the registry constituency set up.

So there's been an awful large amount of input already provided to staff, and it would be great to see what that input was and make sure that it's summarized and provided to the community in an easy-to-address format.

And I know that sometimes the informal means of providing feedback are some of the most important because the formal public comment process tends to favor people that have a lot of time and money to sit around and write letters to ICANN.

So I would just say let's see what's our -- what the feedback you've already received is, map it to the changes you're anticipating in the agreement, and maybe the agreement is just reflecting the input you've already had, and if that's the case, I'm not sure you need to get more comment on it.

---

On the other hand, if you see new stuff showing up, maybe you do.

[ Applause ]

BILL GRAHAM:

That's useful. Thank you. Next, please.

ANTONY VAN COUVERING:

Hi. My name is Antony Van Couvering with Minds + Machines. I'm surprised not to see -- or not surprised. I'm pleased not to see a long line of people ready to scream at you, and I've noticed a progression since we first started this, since I first met Dr. Postel in 1997. ICANN was formed. A group of us, many of whom are here -- Amadeu, Elliott, Paul Stahura, others -- have helped birth this organization into something real and useful, and we now see the culmination of one of its promises, which is the new gTLD program.

After having to watch the embarrassment of the board picking and choosing names in previous rounds, we finally have an objective process for letting people create now top-level domains, and for that I am grateful.

However, I am concerned that the process of giving to various black boxes decision-making powers -- these are evaluation panels, these are objection panels, these are so on -- is not necessarily objective. I'm seeing worrying signs of ICANN trying to have it both ways, of ICANN saying, "I'm sorry, this is in the guidebook, that's how it has to be," but not giving us any information about why the string similarity panel results were delayed for so long, and what happened there.

---

We're now going in the objection phase. We're going to see results from that come back. Are we going to have information about what these dispute resolution providers were saying, and more importantly, what is ICANN doing to guide these people, when is it doing it, and what are they saying, and are they following the guidebook?

And I probably speak for many to say that if --

[ Buzzer sounds ]

-- there is a problem, we will be coming to you and demanding that information. So I urge you to stick to the guidebook and don't interfere politically in that process. Thank you.

BILL GRAHAM: Thank you. Kathy, please.

KATHRYN KLEIMAN: Hi. I'm Kathy Kleiman with the noncommercial stakeholder group. And as Michele Neylon and Wendy Seltzer shared, we are defining rights, obligations, and responsibilities, so I wanted to say thank you. Thank you for putting both the registrar agreement and the new registry agreement on public notice.

Closed doors, as you know, scare people in ICANN. We like the open process and I think it's very important. It can be efficient, it can be fast, but it's very important that this be open. It was a request to the board from the noncommercial stakeholder group, so this is one of the great occasions that we can say thank you.

---

BILL GRAHAM: Thank you. Next, please.

STEPHANE VAN GELDER: Hi. Stephane Van Gelder, Stephane Van Gelder Consulting.

Fadi, just a simple practical question. Does what you announced earlier on mean that we won't be partying in New York on the 23rd?

BILL GRAHAM: Fadi?

FADI CHEHADE: We party all the time.

[ Laughter ]

Anywhere, anyplace.

No, the meeting in New York will carry on on the 23rd. What will happen in the meeting, we will see, but we have some very specific agenda items happening on that day. Most notably, we have for the first time a large group of CEOs of ccTLDs, gTLDs, registrars, all getting together to map their industry and define how the industry looks like together, and so we have a bunch of activities going on on that day that are very, very positive already.

So the meeting is on.

---

BILL GRAHAM: Thank you. Next, please.

BRET FAUSETT: Thanks. Bret Fausett with Uniregistry.

I just wanted to add support for the very good project management point that Jon Nevett raised a few minutes earlier, and that was, if you look at the new GTL time line right now, contract signing is a prerequisite to pre-delegation testing. If we are going to have an additional public comment period on the revised registry and registrar agreements that have now come out of the public comment period, then I would recommend that you allow anyone who has passed initial evaluation and given an indication that they'll sign the registry agreement that comes out of this public comment pipeline to proceed directly to pre-delegation testing. That way, this comes out of the critical path and we can move forward on schedule.

BILL GRAHAM: Thank you. Next one, please.

ADRIAN KINDERIS: Adrian Kinderis from ARI Registry Services. I hope I'm allowed to be up here twice. Please tell me if I'm not. Adrian. That's a female Adrian. Very good.

[ Laughter ]

---

I'm biting my tongue.

I just wanted to highlight two things. Number one, I think I speak for many applicants -- and I wanted this to be made sure it was hammered home to the board -- delays are unacceptable. Now, we'll put up with them but we don't like them. Please don't make you think we're okay with this, should there be a delay. I don't want, under any circumstances, for you to think that we sit back and say, "Oh, that's okay, it's only another month, we'll be all right." We're not. It's been far too many "only one more months" for quite some time now.

And I think you also have to -- to my second point -- ensure that where ICANN can, it is articulating a solid time line on all projects, and I would request that early next week a time line for all the different moving parts is portrayed to the community.

Largely because now as a services provider to 161 applicants, I now have to go back and tell them that the time lines that were being estimated last week are now not the time lines going forward. And I can assure you they don't get mad at ICANN. They get mad at me.

And I have to -- I'm the one that looks like a goose, and there are many of us in the audience that I'll put in the same position.

So please don't do that to us and please have an understanding of our position here. Delays are unacceptable, and where you have the opportunity to be transparent with respect to time lines, do so with urgency. Thank you.

---

BILL GRAHAM: Thank you, Adrian.

Rob, please.

ROBERT HALL: Hi. My name is Rob Hall of Momentous, and I am a member of the registrar stakeholder group negotiating team that negotiated this new RAA but I have to point out I'm speaking on my own companies' capacity because some registrar yells at me when I try and say "we" all the time.

I want to answer your question, Fadi, because I think no one has really touched on your question. So I think that we agree that going to public comment on this is probably a great thing. I think, you know, we're in a public comment on it is kind of part of our frustration. So the public comment period on the RAA is still open. So perhaps I can make a practical suggestion because I think what we don't want to do is get into this endless we have a public comment, we go and we negotiate what the public asked for, we come back, we have to have another public comment and we could end up months down the road and there are people that just want to delay and will use that mechanism to do so.

So in answer to your question, I think you asked specifically for what should we do and what the timing should be, and so here's my suggestion.

We're in the middle of an RAA public comment. Why don't we extend that 21 days from when we publish the documents -- which I'm hoping will be Monday or Tuesday, Wednesday I think at the latest, we're

---

rooting for early next week -- extend to 21 days and take it to your board on the May 13th meeting you already have set up. I think that gives the community time to react. They've already been looking at these two agreements. The RA has already gone through one comment. The RAA is near the end of its comment period. So I don't accept the argument that, you know, they need another 42, or whatever the period is. And I would ask the community to please don't wait to the last day to post your comments. Let's have a debate in the comment period, as opposed to everybody whanging their comments in on the last day and then we need this reconsideration period and this reply period.

So if we can all say "Look, we've been at this already for I think 15 or 16 days of public comment. Let's get to a 21-day period. Let's get all the comments on the table." I think registrars would commit to go back and look at the comments and say "Is there anything that needs to be renegotiated?" I'm hopeful not, but if there is, we'll commit to do that. And let's try and get some finality on this process. Thank you.

BILL GRAHAM:

Thank you, Rob. Looks like we may have exhausted our lines.

Brad, there's nothing on line at the moment?

BRAD WHITE:

That's right, Bill. We've got nobody joining by either phone or e-mail questions at this point.

---

STEVE CROCKER: Let me --

BILL GRAHAM: Okay. So --

STEVE CROCKER: Bill, let me just insert one thing.

Rob, you made a reference to our May 13th board meeting. I don't think that's the precisely right date. It will probably be a few days after that, just for the record.

Yeah, the board -- the board will convene -- the board will gather in Amsterdam the evening of May 15th and be working May 16, 17, 18.

So somewhere in there will be the formal board meeting.

BRAD WHITE: We're a little bit ahead of schedule, which is a rare thing for the public forum, but we're going to seize the opportunity.

Let's take a 30-minute break and if people can be back in the room at a quarter past the hour, then we'll go from there. Thank you.

[ Break ]

---

BRAD WHITE: Ladies and gentlemen, if you could please take your seats, we'll be starting in just a few minutes. Please take your seats.

STEVE CROCKER: All right. While Brad is trying to round up everybody in the audience, let me do my small part. Board members, please reconvene here.

NANCY LUPIANO: Ladies and gentlemen, would you please take your seats. We'd like to get started with the next portion of our public forum, and we would like you seated so we can begin.

We appreciate it very much. Thank you.

BRAD WHITE: All right. Ladies and gentlemen, if I can have your attention, please, Steve had mentioned earlier that this is the best part of the public forum. I don't know if it's the best but it's the most visual. We're going to look ahead to our next meeting in Durban, and the gentleman who is here to tell us about that is Lucky Masilela. He's with the dot za board, and he's also a member of the ICT review panel. Lucky?

[ Applause ]

LUCKY MASILELA: Certainly, Brad. I think this is quite exciting.

---

Let me start off by greeting you. We will do some preparatory run for yourselves. "Right on" would be shosholoza. When you get to South Africa, I expect you to know "shosholoza" and a few words so we start with -- I am translating "right on" Shosholoza. Let me hear that.

Shosholoza.

That means "right on."

On behalf of Zedna, the Department of Communications, our partner in this effort, za registry, I would like to begin by extending, in anticipation, a very warm welcome to the warm city of Durban.

I know today, tomorrow, and the next day you will be packing your bags and going home, and when you get home, you'll unpack your bags, and immediately after that, you'll be packing again in preparation for Durban. Right.

What's going to happen in Durban?

It's going to be nice and warm. You are going to come to warm people. You're going to come warm waters. You're going to come to warm food. Probably a little bit hot, but still it's going to be warm.

Then for those of us who enjoy golfing, we've decided to spice this thing a little bit more. We are going to host a golf day on the 19th, which is a Friday, just before you leave. This is good for jet lag, by the way. So we'll have a round of gulf at Durban Country Club.

By the way, Durban Country Club is rated in the top 100 courses in the world. This is by the Golf magazine, USA, and it is Number 11 in South

---

Africa. It has hosted quite a number of sunshine tours and tournaments, the SA open, the centenary of the South African open tour.

So as we proceed, remembering "shosholoza," we are looking forward to welcoming you in Durban.

I will be meeting with this gentleman. He will be giving me your individual photos, so through the immigration and customs, I will be checking that you have all arrived, and once you have all arrived, we will shut the doors.

[ Laughter ]

On that note, I want to share something with you, a snippet of what to expect in Durban. Please join me in sharing something with you.

[ Applause ]

[ Video starts ]

[ Applause ]

LUCKY MASILELA:

"Siyanemukela" means we welcome you. That was the last word that appeared. But for today, I will not teach you a lot of zulu. I will go back to "shosholoza."

So what we are going to say now, all of us, (non-English word) shosholoza in Durban. We want to get down in Durban. (non-English word) shosholoza in Durban.

---

Now then, on the count of two -- normally they do a count of three. I do a count of two. That's 47 for you.

[ Laughter ]

On the count of two. One, two.

(non-English word) shosholozza in Durban.

That's not loud enough, but I'll do it for you. (non-English word) shosholozza in Durban.

I want to welcome you again. We're looking forward to hosting you in Durban and Godspeed. Good luck.

[ Applause ]

BRAD WHITE:

And that video looked like fun but wait until you see the cut version of this public forum. I mean that's nothing.

[ Laughter ]

Next session, new gTLDs. Cherine Chalaby is going to be the board facilitator for that discussion.

CHERINE CHALABY:

Thank you, Brad.

Later on this afternoon, we're going to have a formal new gTLD committee meeting where we will update the community on four

---

topics: program readiness, IGO protection issues, closed generics, and we will ask Fadi to make a statement about everything he heard today in regards to the RA and RAA agreements.

So I invite you now to ask any question you wish in relation to the new gTLD or just make a statement.

If I remind all the speakers, please state your name and affiliation before you speak, and we are here to basically listen to all of your points. Thank you.

May I take the first speaker, Amadeu, please.

AMADEU ABRIL i ABRIL:

Good afternoon. I'm Amadeu Abril i Abril, public forum junkie. I just want to -- I mean, there are lots of issues that are going on on the new gTLD program. Most of them are good. Most of them are acceptably good, given the circumstances that we all know and we all agree are not ideal, and some of them, well, it depends on how you look at that.

But I would like to raise the attention of the board and the staff and the people being here to something new that seems to appear now. At least it's a surprise to most of us in the reading of something that seems a clear change of policy, and we would like noting that.

And it's regarding the role of the trademark clearinghouse. In all the discussion in the previous years, in the guidebook, in Specification 7 of the base agreement and all the general understanding, the TMCH, trademark clearinghouse, is a very good tool to lower the cost for brand owners to deal with a variety of TLDs and it's a mandatory minimum

---

requirement for registries. They have to accept as trademarks what has been validated by the trademark clearinghouse without doing that themselves, and then apply eligibility criteria if needed.

But it apparently has moved from being a minimum requirement, mandatory minimum requirement, to be the exclusive way of guaranteeing intellectual property rights and we wonder how this has happened, how is this warranted.

And, you know, this is not -- I don't want to raise the competition problems or even the practical problems. For, you know, a TLD like, for instance, dot sport or dot radio, it doesn't make sense to validate different trademarks. Not at all. The trademark clearinghouse is perfect. When you go to TLDs, for instance, who are locally based -- a dot Barcelona, a dot France, a dot Paris -- you don't have any other choice than to accept local valid trademarks that you can easily check because you have the trademark office right there and you know that.

These trademarks even --

[ Buzzer sounds ]

-- through the TMCH. Thanks.

Just one short advice. I do that once a year. In 2013, I have not yet done.

When you have these time limits, would you please consider allocating for those who are not native English speakers, you know, 30% more time. Thanks.

---

[ Applause ]

CHERINE CHALABY: Thank you, Amadeu. Would you like your 30% now?

[ Laughter ]

Rinalia, next speaker, please.

RINALIA ABDUL RAHIM: Thank you, Cherine.

My name is Rinalia Abdul Rahim. I'm a member of the At-Large Advisory Committee and I speak on their behalf at this occasion right now to raise an issue for your attention.

The At-Large advisory community is deeply concerned by the implementation model outlined in the trademark clearinghouse rights protection mechanism requirements published on April 6, 2013.

The model overlooks IDN variants and we believe that this would seriously impact the public interest in the pertinent user communities.

The ALAC will be issuing formal advice on this very important issue. We understand that in the general case, the handling of variants is a complex one.

However, we urge ICANN to ensure that for cases that are well understood, such as the Han script, variant support be included in the

---

TMCH in time to accommodate delegation to the appropriate TLDs.  
Thank you.

CHERINE CHALABY: Thank you, Rinalia.

Next speaker, please.

JIM PRENDERGAST: Sure. Jim Prendergast, the Galway Strategy Group.

I want to pick up on something that Antony Van Couvering brought up in the previous session, and it goes to something that came up in the NTAG meeting yesterday.

I don't know if the board is aware of it or not, but it appears that there have been objections that have been filed that came in after the deadline, did not have appropriate attachments.

When asked if ICANN intervened or gave advice, the answer was no, that the DRSPs got together and made the decisions on their own to allow extensions and revisions.

I want to know: Is the board aware of that process and is the board aware that these rules were set forth in the guidebook. Applicants had a long time -- or objectors had a long time to file objections, so changing the rules at the last minute without any ICANN involvement is a little unsettling, to say the least.

[ Applause ]

---

CHERINE CHALABY: Thank you.

JIM PRENDERGAST: Was the board aware of this situation?

CHERINE CHALABY: Okay. Christine? We will answer you later on in writing. Thank you.

JIM PRENDERGAST: Okay. Thank you.

CHERINE CHALABY: Next speaker, please.

ANNE AIKMAN-SCALESE: Yes, thank you. My name is Anne Aikman-Scalese. I'm with the law firm of Lewis and Roca. I'm also a member of the intellectual property constituency, but I'm not speaking in that capacity. My firm represents the United States Postal Service which is an independent establishment of the U.S. Government which does not receive any taxpayer dollars in its operating budget. Having said that, I have three points I would like to make on behalf of the United States Postal Service.

First, the USPS has deep respect for the process being followed by the U.S. Department of Commerce and the GAC within ICANN, and the USPS wants to communicate its full support for this process. The USPS is

---

concerned about the significant potential for consumer confusion and fraud in the proposed dot mail TLD, and accordingly filed legal rights objections based on its 240 mail formative trademark registrations by the deadline, specifically in order to avoid a waiver of rights.

Thirdly, and perhaps most importantly, as the board knows, the Universal Postal Union also filed objections to the same seven applications for dot mail. To avoid any misunderstanding, the postal service wishes to clarify for the ICANN community that it fully supports the Universal Postal Union in connection with its community objection filings. If there are any further questions with respect to USPS position, I do have a statement and contact me afterwards and I can provide the statement for journalists, bloggers, or for the board. Thank you very much.

CHERINE CHALABY: Thank you. Next speaker, please.

EDMON CHUNG: Edmon Chung here. I think you already know how important IDN and IDN variants are for Chinese community and I won't repeat that. We've been waiting a long time. You understand that. As I applaud the IDN variant program with the very good progress and very good reports that are out, I want to remind the board a couple of things. One of which is that you now have everything it takes, the GNSO policy, the report, the LGR report, and the user experience evidence to show you that you can implement IDN variants. And IDN variants for Chinese is extremely important. So when you weigh the risk of adding the IDN variant into

---

the root of the security concerns, weigh it against the risk of the loss of consumer trust to the DNS. Weight it against the loss of consumer trust from the Chinese community if the variants are not in the DNS. Because with the report you can see that almost 20%, 20% of Chinese users are going to feel that the TLD did not work for them. The reason is because we need the IDN variants. And today you already have those reports, you have those documents, you have the policies, and you have the process that you can fast forward and make it happen at delegation. Not a year from now. Earlier. It is possible and if anyone from the board feels that, you know, that cannot be done, I and I think a lot of people from my community is more than ready to walk you through all the things that is already in place in your hands that can make this work. So I urge you to think about the risk of disenfranchising the consumer trust and do the right thing. Put the IDN variants for Chinese in the root.

[ Buzzer sounds ]

[ Applause ]

Good timing.

CHERINE CHALABY: Thank you, Edmon. Next speaker.

MICHELE NEYLON: Thank you. Michele Neylon again. Speaking both on behalf of myself and on behalf of my company. As a registrar when I make comments about domain names a lot of the time people assume that I'm making

---

those comments because of the business impact of the decision of a policy of how something is implemented. And I'd just like to state for the record that that is not always the case. We are not a particularly large registrar, so some of these policy changes and things or that won't have a material impact on our business. It would be great if it did. I would love to be a multi-millionaire and fly over here in a private jet and swarm around the place but the reality is that's not going to happen anytime soon. So I wish to speak to you very, very briefly with respect to the topic of closed generics. This is a topic that I've spoken to several times in the past and this is more a comment for those here rather than any attempt to lobby the board in any particular fashion.

In the last couple of weeks we've seen a seismic shift. We've seen Google go back to you and say that they're going to change four of their applications, they're going to open them up. In other words, they're going to do what I would see as the right thing. The very concept that strings such as dot blog which others have described as being such an obvious indicator of the type of content that you would find under that domain, that that would have been restricted to only users of a particular blogging platform to me personally was abhorrent.

It was something that this is an emotion that was shared by others and they supported me when I -- when we wrote to you several times in the past. This is a -- if you look at the comments that were submitted with respect to closed generics, you also see that other companies that have no skin in the game, they're not applicants, they're not registrars, they're not registries, but they are large rights holders, these are large entities --

---

[ Buzzer sounds ]

Damn it, I'm out of time. I knew -- I'll shut up now. Just please, you know, look to what Google has done and the other applicants, I'd ask you if you've got closed generics, do the right thing. Open them up. Thank you.

[ Applause ]

CHERINE CHALABY: Thank you, Michele. Next speaker, please.

PHILIP SHEPPARD: Thank you. It's Philip Sheppard with a little good news I hope. And I'm speaking behalf of the Brand Registry Group information. A little bit of background. I'm sure as you know, only about one third of all applications were submitted by brand owners for a string that matches their brand or their product or their service. All these applicants have a common interest, common vision. They have unique plans to run registries in furtherance for business purpose which is beyond offering registry services to the general public. As a result of that, they have a unique set of needs. As future registries which include a specific type of registry agreement -- something that was commented on earlier today - - and specific relevance to certain registry protection measures which are no longer relevant. A group of the applicant registries have established the Brand Registry Group, and I'm pleased to report now on some developments in the last few months. The founding supporters of that group have been reaching out to other registries with a view to

---

establishing our group more formally. And following our meeting yesterday, this will now happen. It's envisaged that we will be an independent membership organization, be a not-for-profit established under national law and seek to represent the members' common interests. A couple of comments on who we are and who we are not. It is not envisaged at this time that the group will represent registries, a single registrant, single user, generic type. It is envisaged that the BRG will represent future top-level domain registry operators, though we are currently characterizing by five cumulative criteria. These are registries who are the owners of an organizational brand that forms their applied for TLD. The TLD represents an identical preexisting trademark whose TLDs are in furtherance of their pre-TLD operation's interest whose business area is outside the domain name industry and whose TLD will be single entity, single user, not intending --

[ Buzzer sounds ]

-- to sell second level domains to the general public. Thank you very much.

CHERINE CHALABY: Thank you. Steve.

STEVE DeBIANCO: Steve DelBianco for the business constituency. ICANN's string similarity panel was charged with placing into contention sets any strings that created a possibility of user confusion. But in late February ICANN announced contention sets that did not include the plural and singular

---

forms of the very same word, either an English and Spanish. We all get delegations of both web and webs, game and games, sport and sports, hotel and hoteles. The risks of singular and plural forms in the TLD are already well-known. There's consumer confusion, especially if they hear it in the media or from a friend and they don't remember which one. And there's certainly the terrible precedent of thinking that in the next round an applicant need only, you know, publish an S on the end of any successful TLD in the current round. And there's the added concern that it makes ICANN look pretty ridiculous. So that's well understood. What's not understood is what are we going to do about it. The first response is to ask if your panelist actually follow GNSOs policy advice on string confusion. For that we need some more transparency than we have right now. The second response is Chung which I hope is Chinese for do it over. And do it over, not for the entire set of TLDs but just the 24 pairs at issue here. And I believe you could even copy WIPOs rules which say that words used in the singular include the plural and vice versa as the context may require. I guess we could correct to the guidebook but I think that's going to be troubling and we should also wait for the string confusion objections panel to come back because they may well conclude that this was wrong in the seven cases they looked at and the board could then apply that common sense correction to all 24 of the pairs. Failing that, there's reconsideration. And we all worry about pressure from intergovernmental groups who are waiting for ICANN to mess up. We have enough vulnerability already. Let's not have an unintentional self-inflicted wound.

[ Applause ]

[ Buzzer sounds ]

---

CHERINE CHALABY: Thank you, Steve. Next speaker, please.

MIKEY O'CONNOR: Hello, my name is Mikey O'Connor. I'm a toiler in the bottom of the bottom-up process and member of the ISPCP constituency, but I'm speaking in my own capacity. I have a whole series of questions for the -- for the board and for the community that sort of revolve around security and the transferring of risk from ICANN to people who don't even know those risks are out there, primarily registrants and end users of the Internet. I'll just go through my questions until I run out of time.

The first one is about SAC 45 which was a report that was written in 2010 that talks about error strings at the root. We have a number of applications for TLDs that match those. I'll stick with one example which is dot corp, and the question I have for you is, what's the process by which ICANN decided to transfer that kind of risk to end users? Another question would be, don't you think there's some ethical considerations to that? There are some responsibilities to the community that we ought to address? Another one that I would ask about SAC 45 is, what's the process to get a recommendation like that actually implemented. You know, it's sort of like it was out there. I quite frankly thought it was going to get implemented, the recommendation was very clear to put it in reserve strings. It's not. There's another whole conversation about internal certs. Been a lot of conversation this week about that. And there's a very specific question on that. What about putting a rule in to match the browser

---

association's 120-day expiry limit that we put a rule in something along the lines that no TLDs will be -- or no domains will be delegated until 120-day interval is passed so that those internal certs kind of expired. Another question --

[ Buzzer sounds ]

Never mind. I'm out. Thanks.

CHERINE CHALABY: Thank you. Next speaker, please.

TAO HUANG: Okay, so this is Tao Huang.

CHERINE CHALABY: Excuse me could you state your name and your affiliation?

TAO HUANG: Yeah, I'm just doing that. I'm standing here on behalf of Chinese Unicom. For anybody that might not know, Chinese Unicom are one of the largest operators in the world, and we have over 300 million subscribers of telecommunications services. And we have over 200 million Internet users. I'm standing here because our application of dot unicom had been announced by ICANN to enter into the contention set with dot unicorn with string similarity, and we do think that is inappropriate. First, the objective standards that were used by the panel is -- in determining string similarity has never been published.

---

You know, this concerns was echoed by the GAC during session with the board this week. There has been no rational posit nor explanation where there was such a substantial delay. The only formula that was posited was the SWORD algorithm and no one can explain exactly how that works and why that algorithm have been continually tricked even after the results of the panel was published. The fact that what most people considered was similar plurals and singular were not found to be similar. Yet Unicom, a well-known trademark of Chinese company, was found to be similar to unicorn, which is kind of a horse.

[ Laughter ]

The conclusion of putting us into a string contention is unfair. Dot unicom and dot unicorn not only have different appearances but have completely different meanings.

[ Laughter ]

Both TLDs have completely different (indiscernible) communities and there is no possibility of --

[ Buzzer sounds ]

(Cheers and Applause).

CHERINE CHALABY:

Thank you.

---

TAO HUANG: Okay, so thank you for the second chance. I'm going to finish my speech. So with respect to the algorithm there are other strings that have higher scores than dot Unicom and dot unicorn, like dot CEO and dot ECO which were not found in the similarity contention set but we did. Finally both dot Unicom and dot unicorn each coexist as trademarks in the EEO.

CHERINE CHALABY: Excuse me, you're exceeding your 30% that Amadeu has suggested.  
  
( Laughter )

TAO HUANG: Okay. Whatever, thank you.

CHERINE CHALABY: Don't go away, please. Don't go away. We have Kuo-Wei from the board who's going to make a statement.

KUO-WEI WU: I will speak in Chinese. You can also use English. I heard your presentation very well carefully. I -- basically we need to go through an independent panel review and they will pass another review process by the ICANN board. We will respect the opinion of the independent panel. Following that we will move on to the follow-up. If there is a second -- if you want a second chance, you can also make a

---

presentation in English. You don't need to do it in English. You can do it in Chinese. You don't have to do it in English.

CHERINE CHALABY: -- for respecting the two-minute rule as well.

KUO-WEI WU: The problem is, do you understand what I'm talking about?

CHERINE CHALABY: It was translated. Thank you. Next speaker, please.

AMY MUSHAHWAR: Yes, I'm Amy Mushahwar, and I represent the association of national advertisers. All we're hearing today -- well, a significant amount of all we're hearing is don't delay. Unfortunately, many brands could not come here due to travel costs and IT security concerns. Because of that, there's been a noticeable change in tone since our brands were able to attend in the last meeting in Toronto. In Toronto we heard considerable discussion regarding consumer protection and out of that came the straw man solution. Thank you, Fadi, for being willing to listen to brands and being willing to make this a place where we can do business. However, we do believe that more still needs to be done and we do believe that the LPR, the Limited Preventive Registration, must be looked into and we must continue to think about consumer protection. And I ask everyone in this room to let consumer protection guide everything we do here at ICANN. VeriSign has mentioned that there are

---

serious security concerns that must be addressed with new gTLDs. I know many of you may be skeptical of the author, but we still need to evaluate those security concerns and we need to do it in the most intent way possible. Mikey has raised concerns regarding SAC 45, and we've heard considerable consumer protection concerns in the singular names versus the plural names that are proposed applications. I ask that each one of these items be addressed in writing before we delegate any TLDs into the root. Really, as we sit and contemplate being on the precipice of a new Internet, we have to ask who are we going to choose, applicants that are waiting for defensive registrations or are we going to choose billions of consumers who all need to be protecting.

Thank you very much for your --

[ Buzzer sounds ]

CHERINE CHALABY:

Thank you.

PAUL FOODY:

Thank you very much, Paul Foody. ICANN is still justifying the introduction of new gTLDs on the basis of competition because they claim that there are no dot coms left if you want to get a decent dot com. Four years ago you did an economic study and you brought in to defend that study Steve Salop. And Salop spoke to us in Sydney and he talked to us about a number of things. But one of the justifications for his introduction was the fact that he, together with Tom Krattenmaker had first articulated the notion of raising rivals' costs as a significant potential antitrust concern. The basic of antitrust is quite simple. Firms

---

should not be permitted to obtain or exercise the power to raise prices above competitive levels by undue collusion among competitors or by unjustifiable exclusion of rivals.

Now, the other day I registered a number of dot coms, I registered Maggierip.com, ripmaggie.com, Thatcherrip.com and riphatcher -- Thatcher -- the four together. Altogether they cost me \$60 to register. Okay? \$60. In the future, to get that sort of presence on the Internet, it's going to cost me millions of dollars. Now, given Mr. Salop's statement that -- in his report that when exclusion is alleged, won't you first ask yourselves whether the challenged conduct unavoidability and significantly increases the cost of competitors, specifically given the tiny number of contributors to ICANN policy, do you really think that this isn't an antitrust issue? Thank you.

CHERINE CHALABY:

Thank you, Paul. May god rest Margaret Thatcher's soul in peace.

Hear, hear.

Next speaker, please.

WERNER STAUB:

My name is Werner Staub, and I work for CORE. I was pleased to hear that there was work underway for registry agreements specific to the brands because there are many things that are required of brands that actually have no point, no sense, and be just sending messages to themselves over EPP or that kind of thing. Or publishing under WHOIS that every domain belongs to the same brand. This is actually useless.

---

Now, there are other cases where something should be done, specifically for community and geographic TLDs. And actually, the loss of what had existed before for the sponsored TLDs where they had the allegation of policymaker authority is bug. It is not a feature. And that bug was actually caused by the composition of the teams that originally worked on the standards. It is also linked on an essential point that ICANN has to work on. And which specifically is even missing in the community evaluation standards and even the objection standards which is the concept of accountability. Accountability should be the first thing. Accountability means, it implies, that the governance function must be exercised on the appropriate level. If a governance function is overcentralized such as being overcentralized inside ICANN which is already overloaded, then of course there's no such a thing as accountability and failure is guaranteed.

There are many communities who now face the situation that ICANN claims that it is in charge of their governance, ICANN has no idea whether it is, and then ICANN says implicitly they're not, that anybody who applied for a certain string would actually then be able to make the rules, impose its rules in that community. That's not okay.

CHERINE CHALABY:

Thank you.

[ Buzzer sounds ]

Everyone will be heard. I just want to take a one-minute pause here and ask -- Bruce wants to make an announcement and then we have

---

someone from outside who's an e-mail. We want to read this e-mail, and then we'll resume the queue again. So please bear with us. Bruce.

BRUCE TONKIN: Thank you, Cherine. I just wanted to announce that the GAC communique is now published on the GAC Web site. So [gac.icann.org](http://gac.icann.org) for those that want some reading.

CHERINE CHALABY: Thank you, Bruce. Now, Brad, you're online and tell us if there's a couple of e-mail questions?

BRAD WHITE: Thanks, Cherine. We've got a question from Aaron Cohen with Intermedia. What is being done to protect the rights of 300,000 registrants who have an existing IDN, dot com, dot org domain where, unless treated properly, the new gTLD transliteration that is coming will lead to widespread confusion and fraud. For example, COM and KOM.

CHERINE CHALABY: Thank you. We'll resume the line.

PHILIP CORWIN: Good afternoon. My name is Philip Corwin. I'm principle of Virtual LLC. I am speaking today on behalf of RX Rights, a U.S-based coalition concerned with the high price of prescription drugs which has recognized that the word "pharmacy" reflects a regulated industry and

---

has consumer safety implications. By March 12 ICANN's independent objector filed community objections against several health and medicine-related applications. This sector has also been the focus of that GAC concern regarding applications for words associated with regulated industries, with consumer safety implications.

Such strings require appropriate safeguards. The pending dot pharmacy application is incomplete in many essential respects and should be moved into the health/medicine area. It is not alone in the need for such safeguards. Strings from regulated industries with consumer safety implications much -- must take consumer risks into account. Such safeguards should include, as a non-exhaustive list and using dot pharmacy as an example, consultation undertaken within a broad set of -- global set of qualified pharmacies and representative organizations, publication of final registration criteria before approval, clear enforcement mechanisms, and impartial appeals process for registration denials, appropriate inclusion of representatives of consumer groups, and an appropriate advisory role for regulatory authorities. Thank you very much.

CHERINE CHALABY: Thank you. Michael.

MICHAEL PALAGE: Thank you. Michael Palage, Farris Global. In advance of the new gTLD board meetings next session, I would ask that you would have ICANN legal counsel obtain a copy of the WIPO 2 second domain name report, and specifically I'd like to direct you to the following sections of that

---

report because I believe they're very relevant in the context of your IGO discussion as well as the future geographic protection.

With regard to paragraph 60 in this report, regarding IGOs it states, the protection of the name of IGOs raises less complicated and more straightforward questions than the protection of acronyms of IGOs where there is necessarily far greater scope of concurrent good faith use than the same letters as the acronyms of some IGOs in various different contexts. With regard to intergeographical identifiers, the following is relevant from paragraph 245 of the WIPO report, it is recognized that there is widespread dissatisfaction with the use of geographical identifiers as domain names by persons unconnected to the locality to which the geographical indicators relate. We consider that in order to deal with this problem new law would need to be created in the view of inadequacy reach of existing law.

The reason I'm raising these points in the last 30 seconds is, earlier in the week Bruce and I, during the registry constituency session with the board, talked about ICANN's greatest success, being the UDRP. And what was so successful about the UDRP is ICANN did not make law. It relied upon existing law. If I -- if the ICANN board is pressured by external forces to make new law which are not globally recognized, even though the GAC may choose to do so, you start down a very slippery slope. Thank you.

CHERINE CHALABY:

Thank you, Michael. May I ask staff --

[ Buzzer sounds ]

---

-- this request. Thank you. Next speaker, please.

CONSTANTINE ROUSSOS: Hi, this is Constantine Roussos from dot music, a community-based applicant. ICANN's history in regards to the significance of community-focused TLDs to serve the global public interest is well-known since its inception in 1998 and deep rooted in its commitments to serve a wide array of communities. We've witnessed ICANN's commitment to prioritizing IDNs and I applaud that. The first question is, why hasn't ICANN treated community-based applicants in the same manner? ICANN objection processes have not taken into consideration that community applicants are primarily supported by not-for-profits. Despite that ICANN agreed to an extraordinarily expensive community objection process with the ICC in which we have no choice but to pay between half a million to a million dollars to formally object to music themed applicants on the basis that includes insufficient enhanced safeguards to protect music copyright to prevent more piracy --

CHERINE CHALABY: Michael, Michael, Michael, the translators are having difficulty. Can you slow down a little bit. You'll get 30% extra.

CONSTANTINE ROUSSOS: Sure. So my question is, how is this objection process fair, appropriate, and cost efficient for communities. I would like to commend Christine Willett for assuring us that scoring guidance will be provided to community priority evaluators which will be made available to the

---

community prior to evaluations begin. We agree that a high threshold is wise to prevent gaming and made-up communities. As a matter of fact, only 4% of applications are community-based, so it's apparent that ICANN has significantly mitigated the gaming aspect.

However, ICANN has not given us an objective reasoning why the scoring threshold was placed at 14 points, not 12 or 13. We have spent years and significant resources engaged in our communities. And all we ask is for the evaluators to be –

[ Buzzer sounds ].

CHERINE CHALABY: You have 30% more, if you want to take it.

CONSTANTINE ROUSSOS: Okay, I have more. With 100% accuracy, I can guarantee that if we presented our application to the board and it was graded, the scoring would be different from each board member. This is not an objective process. How will ICANN prevent this objective bias? And, secondly, if offensive globally recognized communities fail to pass, will ICANN take accountability to explain to our respective communities, the general public, and media that they are not recognized as communities by ICANN? All we ask is for a fair, consistent, and reasonable evaluation to add to the context that goes with the program. Thank you.

---

CHERINE CHALABY: Thank you. Okay. We have another e-mail coming. Don't worry, everyone in the queue, you will be heard.

BRAD WHITE: We have a question from Jean Guillon project dotVinum.

Is ICANN aware of the problems of wine geographical indications protection in the new gTLD program? Are they going to be protected at the source and not only with the TMCH?

CHERINE CHALABY: Thank you. Next speaker in the cue.

HONG XUE: Thank you. My name is Hong Xue, law professor at Beijing Normal University. I'm speaking on seven Internet user organizations in Chinese speaking organized community. We're based in Beijing, Hong Kong, and Taipei. We're all ICANN at-large structures, and we are all members of AP RALO. At welcoming ceremony, we know the CEO kindly said without the participation of Chinese, we have to put a question mark on the legitimacy of ICANN. We welcome that speech.

Chinese speaking user community serious concern the implementation of trademark clearinghouse and especially the recently released document regarding the requirement of implementation. It completely overlooked the need of Chinese character IDN variants.

IDN variants are critically important for Chinese community, because we have two sets of writing using simultaneously. If you only include one

---

version in the trademark clearinghouse and leave another version or mix up the version and protect it, this clearinghouse is completely unusable to Chinese community. If ICANN is even willing to think about giving 50 derivations to the trademark, what will you think to protect the Chinese character trademarks in two variants which is actually the same mark? I'm not coming here to talk about trademark protection. I'm here to talk about user protection. Think about -- [buzz] -- such as HIBC bank, the two versions registered by two registrars. What will happen to Internet user in that language community? Thank you.

CHERINE CHALABY:

Thank you.

[Applause]

Next speaker, please.

IZUMI AIZU:

(Speaking language other than English) My name is Izumi Aizu from Japanese speaking language community. First, I'd like to echo what the previous speaker, Miss Hong Xue, said. Although we don't speak Chinese language, we use Chinese characters very similar to the Chinese characters. So please consider that.

This is my first ICANN meeting since 2010. In between was the new gTLD introduction. Everybody welcomed this. I'm glad to see. However, while we see many applications from rich side of the world -- Google had more than 100; Amazon had 70 something -- we had very few, as we may know, from the poor side or developing country side.

---

And, whether this is -- the practice could be the program design itself or the poor outreach or any other external conditions that ICANN can't deal with, but I think we appreciate if you could review this for the second round.

And, more specifically, there were only three applications came who requested for the SARP or support applicant review panel for which I volunteered for the panel. I was not chosen, luckily.

But then yesterday's working group meeting I participated in. I have three comments or suggestions. Let me repeat. First is please announce who are the members of the SARP, at least at the same time as the announcement of the result itself.

I am sure it was vaguely announced in the working group thing yesterday. But there was no confirmation on the web yet. I do not understand how do you take one month to announce just five names?

Second, as reflected by SARP members themselves, make a report just like NomCom does.

And, third, please have another open meeting with the members at the next ICANN meeting [buzz] to do more reflection. Thank you.

CHERINE CHALABY:

Thank you, Elliot.

ELLIOT NOSS:

Elliot Noss. I'm here today representing the applicant for dot unicorn. No, I'm not. Elliot Noss from Tucows.

I want to make some comments about the trademark clearinghouse. As we near the rollout of the new gTLD program, many outside of the ICANN and domain name communities are starting to become aware of the trademark clearinghouse. And those outside of the intellectual property community are starting to express concern that this is becoming a proxy for a global trademark registry.

I want to say two things about that. First, that I think it's very important that we do recognize that, less in the short-term but more in the next year, two, and three, this is indeed likely to become a proxy for a global trademark registry. And, second, that that is a good thing.

ICANN is the only real working example of a global multistakeholder program or project in the world. It is quite natural that other areas that are outside of the domain name system but are also participating in the community here who have global problems and challenges in nature will start to try to bring their problems to affect solutions inside of this community. It might be a little bit unnatural. It might be a little bit messy. But I argue that anything that recognizes the global nature of the Internet and how that creates global user communities and global businesses is a good thing. I want to make that explicit in this room, have us all keep that in our minds, and to embrace it. Thank you.

[Applause]

---

CHERINE CHALABY: Thank you. Next speaker, please.

AMADEU ABRIL i ABRIL: Amadeu Abril working for CORE. Cherine, if I speak very fast, you'll give me 60% extra?

CHERINE CHALABY: Your contribution is absolutely right.

AMADEU ABRIL i ABRIL: I just came here to just emphasize the need that we have in focusing on one area that has been not very at the center of the professions. And people like Constantine and have Vera have already pointed that out. And just in a community part of the guidebook and the scoring, the community priority, there will be more than really I expected, contention sets with community involvement.

And the scarcity of information is alarming. We have what we have in the guidebook, but the guidebook must be interpreted many ways. We saw the different panels go from extreme, (non-English word or phrase) nothing, you know, is part of our world like the string confusion that even the most stable teams were, you know, not considered to probably a tighter one like, you know, the financial review. Even if this, you know, brought the end of some applications. What we have in the technical or financial, very often is extremely, extreme bureaucratic approach to anything that's not complete. And anything else, you know, they are quite liberal in accepting, you know, very different solutions, even good or bad in our experience. So what's important

---

here is that I think that we need to have the staff producing now guidelines for the participants, for the non-community participants in the contention set and for the experts, as it has been delayed, some clear guidelines on how this really works. Couple final things: Plus one to what Edmon and Michele and the people talking about the IDN variants have said and how you should implement this function of people being able to support what others are doing instead of coming here to repeat exactly the same mistakes. Just in time.

CHERINE CHALABY:

Thank you. Next speaker, please.

BILL SMITH:

Sure. Bill Smith with PayPal. I have two things I want to talk about. First, I was confused and surprised to see that singular and plural strings were declared as not confusingly similar. Anyone and everyone that I speak to about this issue reacts the same way. And, basically, the response is this defies a common sense application of the term.

If ICANN is indeed acting in the public interest, it must act to correct what is so obviously an error.

The second issue we believe is also a common sense issue. And it's one that has been discussed this week. That issue is the delegation of certain well-known strings that have been used within private networks for decades. This was considered best practice at least in part due to the scarcity of TLDs and the fact that these domains, the private domains, would resolve only within private networks. Delegating these

---

strings into the root will result in the same strings resolving on public networks. And we have identified some 13 strings that we believe are especially problematic. We also indicated in our letter that a more prudent approach would be to consider the negative externalities for each of the applied-for new TLDs and especially the 13.

While this might delay the launch, launching these TLDs and especially the 13, will certainly introduce security issues. At large scale this will prove harmful to ICANN, users, and the Internet itself. Thank you.

CHERINE CHALABY:

Thank you.

[Applause]

I'd like to take another online.

BRAD WHITE:

Thanks, Cherine. Before I read the question, I'd like to make one note, though. Apparently, some people in the back are having a hard time hearing what's going on because of conversations that are going on around them. So, if you could have the courtesy, if you've got business to conduct, stepping outside so that the people seated around you could hear, that would be most appreciated.

To the question: Erick Iriarte of Alfa-Redi, an NCUC member.

"I want to put on the table the declaration of Montevideo of Latin American countries made last week in Montevideo that had the

---

resolution 1010 reject any attempt to appropriate without the consent of the respective countries of Latin America and the Caribbean that denominations Amazon and Patagonia in any language or any other generic top-level domains referring to geographical areas or historical, cultural, or natural features which should be preserved as part of the heritage and cultural identity of the countries of any region.

CHERINE CHALABY: Thank you. I just want to take a check on time. How much more time do we have for this session?

BRAD WHITE: About 30 minutes.

CHERINE CHALABY: Okay. Is it fair to say that everyone in the line now will be heard? I'd like to do that. Okay.

Proceed, please.

KIRAN MALANCHARUVIL: Hi, Kiran Malancharuvil, Silverberg, Goldman and Bikoff on behalf of the International Olympic Committee regarding the protection of the Olympic words on the top and second level of all new gTLDs.

We would like to thank the board new gTLD program committee for their attention and continued work on this issue. And we look forward to receiving further clarification regarding the board resolution on

---

IOC/RCRC issued on September 13th, 2012. Specifically, we seek clarification about whether, in the absence of GNSO advice regarding public interest or security and stability by the imposed deadline of January 31st, 2013, the protections that were the subject of this resolution are indeed now permanent.

Accordingly, we look forward to receiving clarification on a language of the registry agreement on the same. Specifically, specification 5.7 which relates to the IOC and the Red Cross.

We're particularly confused by the presence of the phrase that the words will be protected initially in the first round.

And we understand that the board will respond to the GAC on this issue. And it may be in the GAC communique which was just released but I have not read. Again we thank you for your continued work. We appreciate that very much. Thanks.

CHERINE CHALABY:

Thank you. Next speaker, please.

ZAHID JAMIL:

Hi. Zahid Jamil. I'm from Pakistan. I'm sorry. BC Councillor to the GNSO, but speaking here in my personal capacity. I would like to comment and questions. I support Hong's comment just right now on behalf of the Chinese community that we do need an IDN variant policy for new gTLDs. Even where I come from, Urdu, Arabic, Farsi, Sindhi all have variants. And it would be good to go into the trademark clearinghouse and also have a policy for new gTLDs going forward.

---

My question: Would the board be revisiting the decision or find a way in some way to revisit the decision to hold plural strings not in contention with singular strings? Would you be thinking of prohibiting such contention in the next round? If the answer to both is no, then should future applicants view this as a signal that, in applying for plurals, possibly dot coms, dot orgs, dot nets and dot ints, their applications would not be rejected on the basis of being plurals of existing gTLDs? Thank you.

CHERINE CHALABY:

Thank you.

Next speaker please.

DAVID CAKE:

My name is David Cake. NCSG GNSO councillor. I think what I'm about to say represents NCSG policy or at least NCUC. If I got that wrong, I apologize to my colleagues.

I just want to talk about the so-called strawman solution changes to the trademark clearinghouse. I know you've heard a lot of comment this week about the process leading up to that. And I'm sure you'll hear some more. But I, specifically, wanted to speak about the policies themselves. It isn't just the process. We think there are some real flaws in there. It doesn't mean, if they've gone through the policy process, they'll necessarily be rejected. They may be fine tuned, in particular, the trademark+ 50, the -- you know, variants. I think that needs quite a bit of work. That could be improved a lot with. I don't want to defend people who are cybersquatting and so on or people doing variants. But

---

things that have been -- haven't been found to lose a UDRP being taken as evidence that there is something wrong with the string itself does not reflect the UDRP process. A string that can be perfectly valid if used in a totally different class of goods, you know, gTLD that represents totally different class of goods used in good faith for the same purposes if the same trademark is in a few different places in the world, there are plenty of reasons why it should be perfectly valid. And that process needs to acknowledge those -- that difference. That's just one example. We also think there are problems with the -- potentially ways in which the number of registrations -- variant registrations could be much higher than it should be and a few other problems in the process. So I'm just going to say this isn't just about the process leading up to the strawman solution. We think there are very real issues with the policy as developed. And it really does need work. And there are plenty of people in the community who are -- would be happy to roll up their sleeves and do some of that work.

CHERINE CHALABY: Thank you. Next speaker, please.

RAMI SCHWARTZ: Yeah, Rami Schwartz, applicant for dot 2. There has never been a comment period as lively as that for open and closed generics. This demonstrates the importance this debate has for the community and the importance of reaching a verdict. I will not theorize about this but offer my real life experience as an applicant for an open gTLD competing in the same contention set with a closed one.

---

One, applicants for open gTLDs want to get to market as soon as possible. Applicants for a closed are in no hurry. In December ICANN had a lottery draw. My competitor did not purchase 24 tickets. Most for closed gTLDs, delaying 78 applications, which is 10% of the contentions. This is indicative of an approach that is very different between open and closed applicants.

Two: Market dynamics are very different in an auction when one party seeks to be an open and the other a closed gTLD. The first has to be in consideration of market forces, while the second is seeking to secure a monopoly position. One is bidding for apples and the other is bidding for oranges.

Three: ICANN encourages negotiation between applicants, yet such collaboration is almost impossible when one applicant wants to sell as many domains as possible and the other wants to bar the general public from buying domains in the new gTLD.

Four: Open gTLDs applicants must secure substantial letters of credit. Closed have much lower financial obligations. All they have to do is state that they will create a limited amount of second level domains, and they only need to secure letters of credit for the minimum amount. And, finally, if one of the applicants in a contention set is granted an exemption to the code of conduct and the other one not, that [buzz] that uneven is the playing field and ICANN should fail to uphold its mission, principles, and core values.

CHERINE CHALABY:

Thank you.

---

Next speaker, please.

KATHY KLEIMAN:

Hi, I'm Kathy Kleiman again. A little closer. And seeing myself on a big screen. Okay.

I wanted to clarify I'm not speaking for the non-commercial stakeholders group which has various views on this issue.

It's time. It's time to hear from the board about the exceptions process for new gTLDs. It's time to implement the registry code of conduct specification 9 and enforce its non-discriminatory provisions. Particularly, 1B that says registry operators will not be allowed to register domain names in their own right except, basically, to summarize for technical purposes. It's time to lay out and define the exceptions process and how applicants can request the exception that allows them to keep all second-level domains in a gTLD. This is, of course, the exception in section 6 of the registry code of conduct. And it's time to set out the process that shows how the request is in the public interest.

You've wonderfully opened a proceeding on closed generics, and you've heard a huge number of comments. You've heard from people who have never participated in ICANN before. You've heard from associations and groups. I thank you for opening that proceeding, and I now ask for the next steps. Thank you.

CHERINE CHALABY:

Next speaker, please.

---

TAO HUANG: Okay, this is Tao Huang from China Unicom again. I want to say thank you in case I reach my limit.

So I'm going to keep on our arguments there for dot unicom and dot unicorn. We each coexist as trademarks in the EU. The fact these marks allow to coexist by trademark regulator in the EU demonstrates that they do not believe there is similarity.

And, to conclude, we strongly urge ICANN to take these into consideration, revisit the panel's decision, and remove us from the contention set.

CHERINE CHALABY: Thank you.

Next speaker, please.

VICKY: Hi, I'm Vicky from Hong Kong from the first children's forum in ICANN. Can you guys just put aside all kinds of commercial and business subjects for just one and a half minutes? I just want to say what I want to say.

I just want to ask you guys to think of yourself to think of the children. Your beloved sons and daughters. Imagine they're using Internet. Can you see the consequence of them crossing bad Web sites? What if new

---

gTLDs like dot child brings indiscretion? Do you think it is appropriate to have explicit content in a Web site in such gTLDs?

Well, actually, the answer is quite obvious. In the past few days, 70 child representatives from 10 different countries has a discussion on child-related new gTLDs in the children's forum held alongside with the official ICANN meetings. Why we are being neglected so often in kind of policy making while around 1/3 of the Internet users are youngsters?

In our perspective, we think that there should be regulations given to child-related gTLDs both in content, format, and privacy of child. It is essential to have extra protection, particularly, for children, as we are all the future leaders in the not too distant future. For example, contents which is offensive should be forbidden as they harm the children mentally. I think all of you agree with that.

Furthermore, we should actually urge Web sites with child-related gTLDs to be educational, entertaining with child-friendly content. We are here to show you that children have the ability as adults do. And it's really our pleasure to see a change for children -- having children involved in the ICANN meetings with the concept multistakeholders. Thank you

[Applause]

CHERINE CHALABY:

Thank you.

Next speaker, please.

---

WENDY SELTZER: Wendy Seltzer from the non-commercial stakeholders group. The end is in sight and not just of the line or of this meeting. But we're starting -- the feeling around the room is that we're seeing the launch of the new gTLD program and the launch of the first domains.

We shouldn't see the closeness of that as a reason to short circuit processes that have been developed and have been used successfully up to now to develop the policy around gTLDs. And, although the GNSO Council often seems broken in its operations, the GNSO's policy development process remains the best way we have to gauge the consensus of all of the stakeholders represented in our multistakeholder organization. And so, when new policy questions come up, we still need to go back to the GNSO, to the generic name supporting organization, to ask what is the policy position that we should be taking? Don't -- we don't want to see changes made on the fly in the name of speed; but rather, we want, as a community, to develop the policy to -- and to evaluate the implementation against those policy choices that we've made.

Thank you.

CHERINE CHALABY: Thank you, Wendy. Hold on a second. We have an online, and then Brad wants to say something else.

---

BRAD WHITE: We don't have an online, Cherine. But I just wanted to say I know this is the first ICANN meeting for a lot of people. ICANN doesn't involve itself, as most people in the community know, with content, online content. I think we have to have some degree of relevance to what the ICANN function is because there are a number of people that want to speak. Thank you.

CHERINE CHALABY: Thank you. Can we proceed with the next speaker, please.

THOMAS RICKERT: Thank you. My name is Thomas Rickert, and I'm the chair of the IGO/NGO PDP working group. And I'd like to offer background on this issue that has been one of the major issues of discussion during this meeting.

To start with, the GAC has questioned why the GNSO has started this PDP at all. And the PDP working group, to make this perfectly clear, has not been set up to interpret treaties that the GAC has referred to.

We are working on recommendations for both existing and new gTLDs for potential protections for the IOC, RC/RC, IGOs and INGOs. And this can only be achieved by means of a PDP potentially resulting in a consensus policy. Also, we're working on how to operationalize potential protections. Details on that were not included in GAC advice, which is another reason why PDP is needed. It is planned that the working group will publish an initial report for public comment in the

---

coming weeks, including all potential recommendations the working group is considering.

I would like to highlight a few issues we are discussing. The legal basis for protections is not as clear as it seems. There is no absolute legal protection for names and acronyms of all requesting parties based on international treaties and national laws. The working group supports an exemption process to allow for legitimate third parties registrations and, depending on the protection mechanism, for the organizations and questions ourselves. We're yet unclear as regards the details of such exemption process.

There has been extensive debate around the question of preventive versus curative mechanisms. There are some that claim that no registration should be blocked. They state that curative mechanisms are sufficient to address abuse of registrations. Others are claiming that those curative mechanisms are not sufficient to efficiently prevent abuse and that preventive mechanisms need to be in place. [buzz]

Just one final point of clarification. We seem to have some in the group that would be in favor of considering protections of the identical names of the organizations. But there's a lot of uncertainty and discussion around the protection of acronyms. There are some that would support an initiative whereby the acronyms could be entered into the TMCH. But I should state this does not go far enough for some in the room. Thank you.

CHERINE CHALABY:

Thank you.

---

Next speaker.

VANESSA CRAVO:

My name is Vanessa Cravo. I'm here as a fellow and I speak on my own. As a Latin American and Caribbean citizen, I would like to stress my objection regarding the two applications for the strings dot amazon and dot Patagonia.

Amazon is a region in South America that encompasses several countries in the region, including my own Brazil. And the region is well-known in the whole world for its biodiversity.

The region has also recognized international treaties. Patagonia is a region in the south of Argentina and Chile well-known for its natural beauty. It is important to highlight the communities do not support the applications. Allow me to say it again. The communities do not support these applications. Neither do the governments involved as shown in the GAC early warnings.

These names should be preserved in defense of the public interest involved. I hope the board takes this into consideration. Thank you.

CHERINE CHALABY:

Thank you.

[ Applause ]

---

ERIC PIERSON:

Hello, my name is Eric Pierson from Starting Dot. We are applicants to three community-based applications, and we are part of the CTAG community, new gTLD applicant group. I would like to add one specific point concerning the CPE process, community priority evaluation process, and would like to focus only on timing of election of the CPE by a community-based applicant.

We feel this can very easily be elected way in advance of when the process actually starts.

We understand, of course, that ICANN is not ready today for specifics on the CPE process. That should not be an issue.

The first community-based application will go through initial evaluation next week or the week before. It is time to allow that application and the subsequent applications to elect CPE at that time as opposed to wait to September. That's point number one. Please consider it.

Point number two, let us please with ICANN figure out the best way to be more precise, indeed, concerning the CPE process. I will not add to what has already been said before. Thank you.

[ Applause ]

CHERINE CHALABY:

Thank you. Next speaker.

---

WEIWEI DOU:

My name is WeiWei Dou. I'm a foreign language student. Why do I speak in Chinese? Because I started a Korean language. To some customers -- (receiving intermittent translation) -- like in China, there is so much veteran language users on the Web site. We could reflect some scripts in the languages -- (intermittent translation) -- like Koreans -- (intermittent translation) -- for the new gTLD language.

Do they only focus on the official languages? For those individual users, the protection of their privacy is the issue. For some languages, for example, like net, in Chinese, it's spelled a W-A-N-G. It could have different meaning. It could mean the Internet. It could mean the surname as Mr. Wang.

Would that have some impact on the privacy in the new gTLD once it is open for those characters that have multiple meaning for those end users? I would like to ask how the board takes that into consideration. Thank you.

CHERINE CHALABY:

Next speaker, please.

KRISTINA ROSETTE:

Thank you. Kristina Rosette, Covington and Burling, speaking on behalf of my client, Patagonia Inc. I'm requesting that the ICANN board hold within the next seven to ten days a Webinar that will involve board participation, particularly from the New gTLD Program Committee that will advise the community how the board intends to act on the GAC advice that has been received. And in particular, the advice that the

---

board should not proceed beyond initial evaluation for certain strings and, frankly, an area that should be of greater concern to everyone in this room the fact that the GAC has advised that safeguard advice should apply to non-exhaustive lists of strings in certain categories which on its face suggests that further examination of all strings to identify those that fall within those categories is in order.

Second, I would just know that I am, of course, aware of the Montevideo declaration. And unfortunately this process has not necessarily afforded a full exchange of information. I would just note -- and this will be highlighted in Patagonia's response to the board -- that as of the application filing date, as of reveal date, and as of today, there are no laws in Argentina or Chile that provide special protection to the term "Patagonia" and, in fact, both countries for decades have granted "Patagonia" trademark rights in that term.

Finally, I also wanted to note that the ICC, the dispute resolution provider for community objections, seems to be unaware of the extraordinary circumstances standing requirement that applies to the independent observer.

In light of that significant issue and ongoing concerns about conflicts of interests that the independent observer has --

[ Buzzer sounds. ]

-- applicants, I ask that ICANN not proceed to publish the list of objections filed by the independent objector until these issues have been resolved.

---

CHERINE CHALABY: Thank you.

[ Applause ]

The line is now closed to the five people. Are you waiting for the next line?

Next one.

Are we done?

>> Yes.

CHERINE CHALABY: All right. Anything online?

Thank you very much, everyone. A lot of thoughts, a lot of questions, a lot of suggestions. I have just spoken with our CEO, and we will commit to answer every one of those questions in writing and to take all of your comments and suggestions into account in our decision-making process. Thank you very much. This session on new gTLDs is closed.

We are going to open another subject -- another session on any other business. And, obviously, those that wanted to speak on new gTLD, they can continue to do so. Thank you very much.

---

BRAD WHITE: I would like to add that our next board facilitator is Chris Disspain who will be handling any other business. If I can make the note again, if we can make it relevant to what ICANN is about, relevant to ICANN's mission, that would be greatly appreciated.

Chris?

CHRIS DISSPAIN: Thank you, Brad. Thank you, Cherine, for permission to continue to discuss new gTLD matters if the crowd wishes to.

I'm sorry. Is that any better? Fantastic news. Don't worry what I said before, it wasn't very important.

[ Laughter ]

Let's go to the first person in the queue, Jonathan.

JONATHAN ROBINSON: Thank you, Chris. I think you will find this directly relevant to ICANN's mission.

My name is Jonathan Robinson, and I'm speaking to you in my capacity as chair of the GNSO Council of ICANN. I would say at the outset of this meeting, we have held numerous, productive and forward-looking meetings including with the board and CEO and had some refreshing, full, and very positive forward-looking discussions.

With this backdrop in mind, I'm going to give you a statement from the GNSO Council. And we start by saying we would like to remind the

---

ICANN board, the staff, and the broader community that the GNSO of ICANN is the only entity charged in the bylaws of ICANN with policy development and providing recommendations to the board on substantive policies relating to gTLDs.

In this context, the GNSO Council recently provided advice to a letter from staff to the effect that an issue being considered was a matter of policy rather than implementation.

However, at the time it was staff's view that the issue was implementation and not policy. Accordingly, it was staff's decision to proceed with the implementation of what the majority of the Council considered policy.

The Council's firmly held view is that when there is not an agreement on whether or not such an item is policy, as in this case, that the staff and/or the board must at a minimum refer back to the Council before proceeding further.

As a general point, it's the council's view that should it provide policy advice to the staff and/or the board in future, then in the event that staff and/or the board seek to act in a manner which is not consistent with the council's advice, then the staff and/or the board must consult with the GNSO Council, explain the rationale behind its decision, and allow the council at a minimum to respond to the staff or the board's decision. Thank you very much.

CHRIS DISSPAIN:

Jonathan, are you going to send that to us in writing?

---

JONATHAN ROBINSON: I can do.

CHRIS DISSPAIN: Thank you. Next speaker, please.

PHILIP CORWIN: Good afternoon. Philip Corwin, again. This time speaking on behalf of the Domain Name Investors and Developers of the Internet Commerce Association. I have two questions relating to Uniform Rapid Suspension, one of the two new rights protection mechanisms for new TLDs.

The first refers to the fact that the STI RT unanimously recommended that URS providers be placed under contract, and then the board unanimously adopted all of its organizations regarding the URS. And, yet, the National Arbitration Forum which had been selected as an URS provider is bound to ICANN only by a two-page memorandum of understanding with no enforcement provisions. So the first question will be: Will there be a contract developed that goes beyond that non-enforceable memorandum of understanding?

The second relates to: Will there be other URS providers? The press release at the time NAF was announced said it was the first. And yet I have spoken to other highly qualified applicants who applied to be providers, and they have been able to get no response from ICANN staff regarding if or when their applications may ever be acted upon.

So any clarification on those points would be appreciated.

---

And I do want to thank ICANN for the fact -- and note that we were able to get a U.S. provider at the projected price point without any further reduction or modification of the rights of registrants under the URS. And we are very appreciative of that. Thank you.

CHRIS DISSPAIN: Thank you. And the next speaker, please?

MARIO SOERENSEN GARCIA: My name is Mario Soerensen Garcia. I'm Brazilian, lived three years in the Amazon region and have the honor to have been an elite of the Brazilian Olympic team where I gave all my energy in favor of the Brazilian colors.

Today I am an attorney with almost 30 years of practice, and although the Amazon company is one of my clients, among several others, I'm here speaking solely on my own capacity.

I am gifted -- in a gifted position to understand precisely the sentiments of defense of what belongs to Brazil and other countries of the Amazon region. But from a legal viewpoint, this sentiment is not accurate in this specific case because the coexistence of the parties has been tested already and proved to be specific and with no harm and confusion.

I'm very frustrated that the ICANN system over the new gTLDs made prior specific players become antagonists and the option to go and mediate is an invitation for the user for the forums of dispute beyond the capability, of control of ICANN.

---

The multistakeholder model is critical and should not be undermined into a mini ITU or have encouragement to resolve solely with governments outside the ICANN sphere.

The beautiful model of democracy cannot make each all of the constituencies feel a voiceless minority. For me, the new gTLD project launched after years of input from many different communities.

Now, it has some changes without deference to that community work and without understanding or caring about the impact the decision has on business globally.

Your options about geographic denominations are not aligned with international predominant understanding. Thank you.

CHRIS DISSPAIN:

Thank you.

[ Applause ]

Mr. McCarthy.

KIEREN McCARTHY:

Hello, Kieren McCarthy here from dot Nxt. I want to say I much, much prefer this room layout. I think it is significantly better. Although I still don't like standing here and talking in front of an enormous room of people. I think that's a little bit intimidating, frankly. It's better.

---

CHRIS DISSPAIN: Yes, it seems to have intimidated rather a lot of people, Kieren.

KIEREN McCARTHY: It doesn't mean that they like it. It means that they feel obliged to do it.

What I want to talk about is I want to urge the board to take document publication dates more seriously. There's -- ICANN has an old habit that it's never quite unlearned which is to provide documents as late as possible. And that happened again this time.

My concern is that because you made progress with these contracts, that bad habit will be reinforced because the argument will be, Well, we did some work.

But when the board passed this document publication operational policy back in 2009, you said you wouldn't provide any documents less than 15 business days in advance of a meeting. And that caused literally 16 days out everyone would have to deal with 200 documents. But that's better than receiving documents when people were just about to get on planes.

I won't go into why that's a terrible idea. It is self-evident why that is a terrible idea. The board decided when it introduced this policy that it was a terrible idea. I won't go into all the reasons why.

But I do want to urge you to make that a strict requirement from this point on.

Policy doesn't mean all documents, but any document that's going to be up for discussion should be at a minimum of 15 business days. And I

think you should tell the staff -- I will run out of time. I think if the staff should view it as a --

[ Buzzer sounds. ]

-- and then from that point communicate its content rather than keep producing documents.

CHRIS DISSPAIN: Thank you, Kieren.

Next customer, please.

FADI CHEHADE: Nice now. Just introducing --

CHRIS DISSPAIN: Would you say your name and where you're from, please.

[ Laughter ]

FADI CHEHADE: My name is Fadi, and I'm with ICANN. I'm introducing this young child, lady. Her name is Sherifa. She is 15. She has been preparing for many weeks to speak today. And she was outside and looking for some support to come, so I asked to support her.

She is from Egypt. She is 15. She is a blogger. And I think she will be the next ICANN CEO.

---

[ Laughter ]

[ Applause ]

CHRIS DISSPAIN: Thank you. Just, Sherifa, before we start -- they have reset the clock. Off you go.

SHERIFA AWA: So I know ICANN is not there to police the Internet and does not really decide what's the content of the Web site, but I just want -- we just -- as children of the world, we just want to make sure that parents are comfortable with their children using Internet in terms of safety and privacy and content. Of course, all parents are concerned about these matters.

For example, what we want in terms of privacy is that Web sites limit exposure of information about the child and that no direct messages should be sent without the child's consent or his parent's consent.

Secondly, the children really need a space to share their thoughts and voice their opinion. We also thought about monitoring the Web site using child-related gTLDs for any spam or explicit content. It could be monitored by parents, teachers or the organizers of these Web sites.

But we propose a code of conduct and self-regulation -- code of conduct to be signed by Web sites using these gTLDs for -- so if they use any explicit content, they would be removed.

---

What we are asking is that there should be some specific criteria set for a Web site using a child-related gTLDs and a platform for children to voice out their opinions in an ICANN structure.

As children with dreams, we ask you to consider our ideas and help transform those ideas to reality for favorable use for the Internet of a children. Thank you.

[ Applause ]

CHRIS DISSPAIN: Thank you.

[ Buzzer sounds. ]

[ Applause ]

CHRIS DISSPAIN: Follow that, Milton.

[ Laughter ]

MILTON MUELLER: With pleasure. Grumpy old man can take on innocent young children any day of the week.

And grumpy I am because we're talking about Governmental Advisory Committee. I have just read their communique. And I want to express my sense that the board needs to understand what it's dealing with

---

here, and that is basically a complete rewrite of what is or is not an acceptable top-level domain. In other words, the GAC --

[ Applause ]

Yes. The GAC has created six new categories in Toronto and, oh, here's three more in Beijing. And these categories are basically ways of -- categories of classifying top-level domains. And then they are applying criteria to these domains that will determine whether they think they are acceptable or not. None of these categories, none of these criteria were known to the applicants at the time they made their applications and spent \$185,000. None of them were known to the GNSO which is supposed to be making the policy.

Now, the other problem with these categories is that they're really not well-informed. For example, when we talk about competition issues, the GAC shows no awareness of the way actual competition policy has developed. For example, if you say that -- if you control the word "book" and make it a closed TLD, do you control the market for books? Really?

Is there a market analysis? Is there market power analysis of the global market for books when you are making this decision? Or are you just sort of saying if they have the string, they suddenly control a market?

Something very remarkable happened about 20 minutes ago, and that was I find myself nodding vigorously at the statement of Kristina Rosette.

[ Laughter ]

---

[ Buzzer sounds. ]

When that happens, you know that governments are acting outside the bounds of law. And when we can agree on that, something has to be done. And you're in a position to do it. Please.

CHRIS DISSPAIN:

Thanks, Milton.

[ Applause ]

Over to you, Khaled.

KHALED FATTAL:

Thank you Chris. Khaled Fattal, Multilingual Internet Group. In 2007 I found myself compelled, perhaps forced, to actually challenge the board to actually stand up and be counted on what it believed IDNs were supposed to represent. And as a result, and to my pleasure, the board responded swiftly. And by the next day two IDN resolutions were adopted as a result of that intervention.

Today I'm finding myself compelled again to remind you and ask you to stand up and be counted on what you believe needs to be done on the subject matter I'm going to raise with you. This is not the first time I raise this point.

Action Number 1, we are embarking on the biggest seismic change to the Internet, the biggest since its creation.

---

Action Number 2, we are seeing the birth of the global multilingual Internet. As a result, the change that this is -- that we are witnessing requires a new infrastructure for the -- for ICANN to actually represent the global community.

I have mentioned this already many times in the past, but here I'm calling up on you again to stand up and clarify your position.

Do you believe that the current infrastructure of ICANN is sufficient, is ready and capable of handling this exponential change? Bearing in mind the Internet governance format and the multistakeholder. If you do, then please clarify your position that no changes will be expected to infrastructure.

If you don't, then at least clarify that you believe this is necessary. You already have been given suggestions of --

[ Buzzer sounds. ]

And I may conclude. A position needs to be clarified from the board, whether you do believe or you don't believe. And that way the community knows what it needs to do next. Thank you very much.

CHRIS DISSPAIN: Thank you, Khaled.

PAUL FOODY: Paul Foody. I would like to thank Khaled because for once, somebody here has actually enunciated what we are seeing. We are seeing a

---

seismic change. This is the biggest news to hit the Internet since its formation. We are seeing the dot com registry replaced at the top level.

Now, in the past nobody has had problems going to amazon.com. Nobody has confused amazon.com with a river. Why? Because dot com acted as an identifier. It told us we were going to a Web site.

Now, the trademark guys here, basically the dot com registry put them out of their role because once you have the dot com, you didn't need the trademark. On that basis, people would register a domain. They've invested a huge amount of money, which has seen the value of the Internet rise to something 100 trillion, 200 trillion, I would love to be able to give you an exact figure. But despite numerous economic studies, ICANN has yet to even get a figure for the value of what it's selling.

What we're going to do is we're selling off maybe 100,000 gTLDs, top-level domains that are going to act as closed Web sites. They will come down on top of the Internet, and they will take all that value that has been created.

Now, you owe it to the Internet community to put this out there before it's too late.

The fact that amazon, the biggest company on the Internet, a company responsible for creating wealth more than any other should not be given its -- The new equivalent of dot -- amazon.com just demonstrates how badly conceived this new gTLD idea is. Thank you very much.

---

CHRIS DISSPAIN: Thank you.

Bertrand, did you want to say something?

BERTRAND DE LA CHAPELLE: Thank you. Thank you, Chris. I'm particularly happy that Mr. Foody has the opportunity to come back to the mic because I listened very carefully to your previous comment in the previous round. And you were kind enough to inform us of an example of four domain names that you have recently acquired; namely Thatcherrip.com, maggierip.com, riphthatcher.com and ripmaggie.com.

Those who have the curiosity to go see that will discover that those four domain names make a redirection to the official site of the Margaret Thatcher Foundation at margaretthatcher.com which in itself is a perfectly legitimate activity. And it's your perfect absolute right to buy those domains.

Where I have difficulty -- what I have difficulty understanding, I must say, is why there was such a compelling reason for you to buy those four domain names that you consider that the price of those domain names is a particular burden on you.

PAUL FOODY: One, to demonstrate that there are dot com addresses still left. Two, I've already offered it to Mark, the GAC representative for the U.K. because I wouldn't -- given the sort of backlash against Maggie Thatcher -- I was not a Maggie fan.

---

(Multiple speakers)

CHRIS DISSPAIN: Paul, Paul, Paul, Paul. Paul, we're not doing politics. Thank you very much. We have our own. We don't need to go any further. Thank you. I appreciate the comment, and I'm sure that the U.K. representative of the GAC will be delighted.

PAUL FOODY: He is already aware. Thank you.

CHRIS DISSPAIN: Thank you.

Next speaker, please.

JONATHAN ZUCK: My name is Jonathan Zuck from the Association of Competitive Technology. There is a great movie called "Shawshank Redemption" about a guy serving a lengthy prison term. Any analogies you want to draw are purely unintended.

In that film, the star wrote to the governor every month requesting books. When the governor finally sent some books, he started writing every week. So for some time now, I have been requesting metrics. And the board in Cartagena passed a resolution requesting advice about metrics in the context of the new gTLD program under the auspices of the Affirmation of Commitments. The GNSO delivered that advice.

---

ALAC has delivered complementary advice also in that same time frame. I'm concerned that we may be running out of the time of the relevance of that advice. I really encourage the board to acknowledge the advice and give it its imprimatur in some informal way so when a review team is formed, they have an opportunity to take it into consideration. And also so that the staff has sometime to rev up and begin to track the data that would be necessary to measure those particular metrics because without data in hand, the metrics will be meaningless at the time that the review team begins its work.

CHRIS DISSPAIN: Thank you.

JONATHAN ZUCK: Thank you.

CHRIS DISSPAIN: Mikey.

MIKEY O'CONNOR: Thanks. My name is Mikey O'Connor. This time I'm going to do my "have I mentioned working groups" talk. Chris' eyes close.

The first point I want to make is that Fadi, if you could get in touch with the young woman that you introduced to us, I would love to have her audit one of our working groups if she would like to do that. She's going to be a great one for the team, and I'm always recruiting.

---

And to that end, my question to the board -- and I'm sure I won't use my whole time, but the working group layer doesn't get a lot of the rewards and resources that the layers above it get, and the question to the board is: Is there a way that we could get a bit more support and a bit more resources aimed at the working group layer?

It's not so much the financial support, although as a chair of a working group it's helpful if I can get to these meetings so that I can do the reports. Right now there's no funding for chairs to come. It's all at the constituency layer. And it's because the working group doesn't exist in the budget.

The other thing is that human resources would be really helpful. Coaches, advisors, teachers, mentors for working group chairs, for working group members, and for new members.

So the question is just a simple one. Is there some way to get more resources and attention aimed at the bottom of the bottom-up process? Thanks a lot.

CHRIS DISSPAIN:

Thanks, Mikey.

[ Applause ]

You could -- if you wanted just to do a short -- a short paper on the sort of stuff you think you might want to see, that would be quite useful.

Have you done one of those already?

---

MIKEY O'CONNOR: Yes, and it's a URL. It's a really simple URL. It's bar.com/w.

CHRIS DISSPAIN: Okay.

MIKEY O'CONNOR: Again, bar.com/w. Please don't all hit it at once. I was on the GAC site a minute ago and it fell over, so spread your requests out a little bit, please.

CHRIS DISSPAIN: Thank you very much.

And the next speaker, please.

CHANG LIU: Hello. My name is Chang Liu, an Internet user from China. My question is about single-letter domain registration.

A few years ago, a Chinese man, Mr. (saying name), has tried to register 23 single-letter domain names such as a.com, and his application was refused by ICANN due to technical reasons. However, such domain names like q.com, x.com, and z.com have already been registered by American and Japanese users, which shows single-letter domain names can be registered without any technical issues.

---

So we think ICANN has disobeyed the basic rules of domain name registrations and we ask for an answer, if there is a fair opportunity for Chinese to register such domain names. Thank you.

CHRIS DISSPAIN: Thank you very much. Next speaker, please.

SAMI SALIH: Hi. I'm Sami Salih. I'm from NTC, the telecom regulatory authority of SUDAN.

This is my first ICANN meeting -- I come with the green mark -- and I'm here to represent my country and to start building trusted relationship -  
-

CHRIS DISSPAIN: Can you speak a little closer to the microphone, please.

SAMI SALIH: Okay. I'm here to --

CHRIS DISSPAIN: Thanks, Izumi.

SAMI SALIH: I'm here to build a trusted relationship between my administration and ICANN.

---

I'm very regret to say that we didn't feel comfortable when dealing with ICANN. This sense was accumulated throughout our previous relations with ICANN.

Let me frankly share with you our last case with ICANN. Our IDN .sudan or in Arabic (non-English word or phrase) takes about two years to be assigned, just because any application from Sudan and the other four countries suffers from the embargo should pass through the department of commerce. Are you agreeing with me this is a discrimination behavior? Such behaviors were really negatively affects our ICT community and limiting our plans to develop.

As I learned for my first ICANN meeting, this meeting, that ICANN adopt the bottom up approaches to role the critical internet recourses. To do so, I think ICANN should have true independent from local regulations or regimes.

I'm wondering, if we as a community can scale up the chief Internet managing organization to be a union under the United Nation umbrella.

Thank you.

CHRIS DISSPAIN:

Thank you very much.

Izumi.

IZUMI AIZU:

Izumi Aizu. Thank you.

---

14 years ago in 1999, the first ICANN meeting was held in Singapore to which I was a member of the local team -- host team. I feel like we've come a long way.

As I said, I was about three years absent from coming to ICANN meetings, but during these past three years, I worked a lot in the periphery, perhaps, of ICANN area works such as dealing with international Internet governance issues around the ccTLD or at national and regional IGFs, and I was also part of the team of the CSTD working group on the improvement of IGF and MAG.

Before -- and I really welcome Fadi's opening remarks a few days ago to the bottom-up multistakeholder -- bottom-up multistakeholder and global, and bringing your offices and operations from U.S.-centric to the global or closer to us. That's very appreciated.

But for ICANN or for us to truly appreciate our core value, open stable Internet with this bottom-up multistakeholder approach, I'd like to appeal to some people. While we are going to -- tend to sort of put more weight to the gTLD space, the CC folks and the RIRs, we see a great need at a national and regional level for bringing this bottom-up multistakeholder level.

Being At-Large, the At-Large alone cannot really bottom-up organize. That's the reality. I'd like to see other friends to come together, reach out to each other and work together to make this real national and regional level of the multistakeholder.

---

If only stay at global level multistakeholder but not too many in the national areas, I think with the expansion of the user base, that users are very much --

[ Buzzer sounds ]

-- children and senior. I think we also need to expand our user bases or multistakeholder bases as well. Thank you.

CHRIS DISSPAIN:

Thank you, Izumi.

The line hasn't got any bigger for quite a little while, so I think I may close the line where we are right now.

Last -- yeah. Last call, if you're prepared to run.

Too late.

Okay. So the line is closed, and we'll take the next speaker, please.

JEFF NEUMAN:

Yes. Hi. This is Jeff Neuman with NeuStar and I find myself in a unique position because I agree with both Milton and Kristina.

[ Laughter ]

So I want to note the comment made earlier by Mr. Brad White of ICANN where he said that ICANN does not involve itself with content issues or regulation on the Internet.

---

But I also want to note that the GAC communique refers to advice on dozens and dozens of new gTLD applications solely on the basis of content. ICANN must stick to its limited coordination mission and not venture down the endless spiral of content regulation.

I also want to point out that the GNSO, through a consensus policy that was approved in 2008, specifically rejected the notion that all new gTLDs be restricted and/or sponsored TLDs, yet that's exactly what I interpret the GAC communique to do: create dozens and dozens of new required sponsored and restricted TLDs.

Also, interesting in the GAC communique, they did something quite -- quite clever, I think. With respect to WHOIS and verification requirements, it just completely undid the bargain made by the registrars and the ICANN staff on the RAA on WHOIS verification and accuracy by going completely around them and now pushing the requirements on all of the registries with respect to every TLD. That's a problem.

So I'm going to ask ICANN to do something I don't think it's ever done before but I'm going to ask ICANN to post an immediate public comment period for the entire Internet community to respond to the GAC advice before the board acts on what I believe in many cases is nothing more than content regulation.

[ Applause ]

---

CHRIS DISSPAIN: Thank you. I'm glad I chose this uncontroversial session to be the moderator of.

[ Laughter ]

CHRIS DISSPAIN: And it is next speaker, please.

LILY KUNG: Hello. This is Lily Kung from Netmission.

In this ICANN meeting, we organize a youth model meeting to evaluate and think of suggestions to amend the existing new gTLD program applicant support program and we identified a few problems of the existing support program and a third one concerned with the criteria about public interest. The existing criteria only provided scoring details regarding applicants that originates from and benefits the same categories of regions.

It is not clear that how will cases when applicants that targets beneficiary community spreading through more than one category of locations that use different points were scored. Also applicants countries of origin at the targeted beneficiary community might be different.

Therefore, we propose a four times four scoring matrix to deal with combination of the applicants origin and also the location of the targeted beneficiary community.

---

Priority has to be given to applicants from and benefit LDCs or indigenous people.

The second problem is that some of us questioned about the organizational capacity of applicants from least developed countries in terms of managing top-level domain names. Therefore, the existing applicant support program alone may not be able to help LDCs since a considerable number of them lack experience, accreditation, and reputation.

On top of the financial assistance program which assists LDCs' participation in the world of TLDs, we think that their increased presence in the world of second-level domains will be helpful in terms of increasing their accessibility to Internet operations. Therefore, we propose that for every --

[ Buzzer sounds ]

LILY KUNG:

-- top-level domain name, a minimum percentage of corresponding second-level domain names must be granted to users from LDCs.

Registrars and registries, both new and existing, would be highly encouraged to introduce second-level domain names to business users of LDCs, so that's basically ideas of us --

CHRIS DISSPAIN:

Thank you very much.

---

LILY KUNG: Thank you.

CHRIS DISSPAIN: Thank you.

[ Applause ]

MICHELE NEYLON: Good afternoon, Chris.

CHRIS DISSPAIN: Michele.

Excuse me. Could you all please read a little slower so the interpreters can get the words, please.

MICHELE NEYLON: Well, I'm not going to be reading much. I've got a couple of words noted and that's all.

Sorry, Chris, that you ended up with getting a few controversial topics thrown at you. I'll try to be slightly less controversial.

I just wanted to take up the point that Mikey was making with respect to working groups and participation.

---

This week has seen the largest ICANN public meeting in the history of the organization, if I've understood what I've heard from various sources, and it's great. It's wonderful. There are a lot of people here. There are people from the four corners of the globe. There are people from companies of all shapes and sizes. You walk through the halls, you hear people speaking in multiple languages. However, when it comes to people actively participating and engaging in working groups and other things, there seems to be a bit of a disjoint, and as I've raised this in the past as well, I think part of this is that a lot of people feel it's far too complicated, that there's a barrier to entry, that you need to have some special license to post a comment or something like that. I don't know.

But there's a lot of public comment periods open, you're opening new ones all the time, and yet you find time and again it's the same people over and over again and it would be great to hear new fresh voices like the young lady that Fadi brought up to the mic earlier.

It would be great to hear -- have new people participating in working groups. It would be nice to hear from people working with the GAC before they throw these communiques over to us -- no disrespect, Heather -- and it just would be nice to get more engagement going within the community.

I know that ICANN has hired more staff to deal with some of these topics, but the first thing I'd just say is will you please look at some of the language that you're using when you're communicating these things. Try to make it more accessible to the people who are actually impacted, potentially, by changes to policy.

---

Don't make it so that you end up with always the same people --

[ Buzzer sounds ]

-- who are constantly saying the same things time and again. Thank you.

CHRIS DISSPAIN:

Thank you very much, Michele.

[ Applause ]

And our next speaker, please.

VIVIAN LI:

So this is Vivian. The student representatives from the University of Hong Kong and the participants in the youth forum, our participation in ICANN this time is not about picking on the program but the process of learning from each other.

We appreciate everybody's effort and we want to contribute to the program as well. Your forum is a golden platform for us to do this.

We have invited different ICANN participants to the meeting and our voices are heard, and it's the first time of youth participation. We hope that young people can increase our involvement in ICANN meeting and discussions gradually. This time, all of us are either from Beijing or Hong Kong. We hope that youth participation in ICANN will not limit by geographical locations. We hope that -- we hope to include more youth from all around the world to speak their minds here.

---

Actually, there are some recommendations, like the remote participation. Using Internet with lower costs, you can express opinions on the Internet and their opinions can be considered in the decision-making, and we hope that youth participation in ICANN can be gradually increased. And youth forum, like what we did this morning, can also be considered. Thank you.

CHRIS DISSPAIN: Thank you very much.

Wendy?

WENDY SELTZER: Thank you. Wendy Seltzer.

I find myself coming to the microphone this time to agree with Jeff Neuman, reminding -- we heard the remainder that ICANN does not regulate content and it seems that we need to send that reminder to the GAC. And I'm referring particularly to the Annex 1 safeguards for new TLDs, where they intend -- suggest imposing content monitoring requirements on registries and, through them, on registrars and registrants. The -- in particular, the mitigating abusive activities they propose that registry operators should ensure the terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

---

Now, while I do not condone abusive activity and am willing to work with others around the community in figuring out ways to combat DNS abuse, I don't think ICANN is the proper forum for combating other sorts of content-based violation of the law because the law varies from jurisdiction to jurisdiction and one person's copyright infringement is another person's fair use criticism using excerpts and quotations of copyrighted material.

One person's trademark infringement is another person's criticism using a trademark to call out a brand that's being abusive toward consumers.

And so there's good reason why we leave those to national courts operating under the rule of law, not to registries and registrars operating under contract.

[ Applause ]

CHRIS DISSPAIN: Thank you, Wendy.

Werner.

WERNER STAUB: My name is Werner Staub. I work for CORE.

I'm going to talk a little bit about sunshine or visibility or debate, an area where we have been -- where we have not made progress recently.

---

We have had lots of problems with visibility, things being worked out behind closed doors suddenly presented, and so on, but also things aligned in a way that makes it difficult to have debate.

For instance, objections and, you know, the panel results. You know, when the string similarity panel finally published it, there were 13 days for people to do their objections.

There was no debate. There was no thinking. So of course the result was bad.

You know, if the people cannot debate, there's going to be a bad result.

We had the example of the Webinars. They're very useful, but suddenly the Webinars, an essential function which was the visibility of what others say, has disappeared because apparently it was felt by ICANN that it wasn't helpful. Actually, in actual fact it was very helpful to see what others thought. If you have to follow a Webinar at 2:00 in the morning somewhere, it is easier if you have the comments of fellow applicants or other people.

Actually, there are many ways to improve it. If you thought a little bit about whether, in a given process, we have enough time to debate, the next thing coming up are the objections. They are apparently going to be handled at the same time, and if they are handled at the same time, how is one panel going to learn from the other panel? We didn't have to do it like that. You're going to get bad quality. In some respects, this will improve it, but only, of course, if we really want to improve it. We have to align our deadlines and comment periods so that, indeed, there

---

is debate, and indeed, people can contribute to something. Not only is it a matter of rights but it is a matter of quality of output.

CHRIS DISSPAIN:

Thank you, Werner.

Ms. Burr.

[ Buzzer sounds ]

BECKY BURR:

My name is Becky Burr from NeuStar. I sat in the GAC room for many years in ICANN's early time, and I appreciate that the work that went on this week was very difficult. In fact, I often remarked to myself this week that I was glad that I was not in that room.

But I have to address the GAC advice, and so I hope that it's taken in the spirit that it's offered.

Fadi started the week by talking about ICANN and agility, and in fact, in 1998 the global community elected this multistakeholder model over a very willing international organization to coordinate the DNS because it was more likely -- I'm getting real feedback -- to preserve the agile, innovative, friendly environment that -- in which the early Internet flourished.

I think one way of thinking about the GAC advice is they've noticed it's agile, so I want to say to the board: Please think carefully about being -- about allowing ICANN to be used to achieve regulatory regimes that

---

governments have tried and failed to achieve over years and years of debates in international regulatory organizations, particularly when they have not even implemented those regulatory regimes in their own sovereign territories.

The bottom line is, ICANN should not permit itself to be an end run around WIPO, WTO, competition authorities, and other expert agencies and bodies that were created specifically and appropriately to deal with the issues that are addressed in the GAC advice.

[ Applause ]

CHRIS DISSPAIN:

Thank you, Becky. I'm going to --

Thank you. I'm going to take a comment from Mike Silber and then I'm going to take a couple of online comments from Brad and then we'll get to you, Nigel. Mike?

MIKE SILBER:

Thanks very much, and if we could start the timer, please. I noticed for some reason board members don't get the timer.

THOMAS NARTEN:

Closer to the mic.

---

MIKE SILBER: Sorry. If you would start the timer, please. For some reason, board members are not getting the timer. I think it's only fair.

I just wanted to respond to Becky's comments. I think the points she's made are well taken. That being said, I think everybody noticed that Heather has finally joined us after some very exhaustive work that's been done by the GAC, and whether we agree with it or not, I think we can all thank the GAC for the amount of time, effort, and attention they've paid to these matters. I think that the advice that's been given is very well considered. We may not agree with everything, but at least it gives us a lot of substance to start working on over the next few weeks and months.

CHRIS DISSPAIN: Thank you, Mike.

[ Applause ]

Brad, I'm going to you for online comments, please.

BRAD WHITE: Thanks, Chris.

A comment from Josh Leslie, Toronto, Canada.

With Fadi's commitment for ICANN to respond to all questions in writing, I'm going to reask a question that I asked at ICANN 46 in Toronto.

---

Of note, I'm hoping that a response in writing does not mean, quote, search the bowels of the ICANN Web site and you may find the information you're looking for there.

My question is: How does ICANN justify the new gTLD program as being in the broader public interest? How is it going to help my grandmother when she wants to find trustworthy information on the Web? How, for the average Internet user, is the new gTLD program going to have any other outcome than making him or her completely reliant on search engines, hoping and praying that they return the accurate or trustworthy result when they go looking for a given Web site or entity?

I represent only myself, and incidentally my grandmother. Thank you for the opportunity to ask this question. I applaud the ICANN multistakeholder model and all of the progress ICANN has made to internationalize its operations and outreach since ICANN 46, and having Fadi come to the helm.

CHRIS DISSPAIN: Thank you, Brad. And the second one?

BRAD WHITE: I'm Sami Salih from NTC, the telecom regulatory authority of Sudan. This is my first ICANN meeting. I'm here to represent my country and to start building trusted relationships between my administration --

---

CHRIS DISSPAIN: Sorry. I think that gentleman has already been to the microphone, Brad.

BRAD WHITE: Oh, all right.

CHRIS DISSPAIN: I think you're reading his statement that he's already made at the microphone unless I'm very much mistaken. Thank you.

BRAD WHITE: Okay.

CHRIS DISSPAIN: Hello, Nigel.

NIGEL ROBERTS: Hello, Chris. Thank you for the time today, quite unplanned and uncoordinated.

My name is Nigel Roberts. I'm speaking not as a TLD manager but as one who attended the IFWP meetings which led to the creation of ICANN and have been to most ICANN meetings since.

I'm a little confused by some parts of the GAC communique, but I've only just skimmed it.

---

My understanding is that many, if not most, GAC members represent governments of nation national states who are under various solemn international binding treaty obligations, in particular to protect fundamental rights such as to balance the competing requirements of protection of property such as intellectual property and protection of freedom of expression.

Interference in these fundamental rights can only be justified where it's necessary in the democratic society and it's proportionate. Sledgehammers are not to be re-purposed as nutcrackers. And I'm not convinced the recent advice achieves that goal. As I said, I'll have to read them carefully.

But my question is not for that. It's for Fadi and the board.

ICANN has voluntarily agreed in its own corporate constitution, its memorandum of association, to respect and to protect fundamental rights, to respect applicable international law, as the phrase has it, and it appears to be bound by that under the operation of the law of its state of incorporation, California.

So my question is: Would ICANN give consideration to adopting a high-level charter among similar lines to the EU charter or the Canadian charter of fundamental rights, which could inform the work of all SOs, staff, and volunteers?

I realize this can't be achieved overnight, but let's please give it some consideration and it's for your pay grade, not for the SOs. Don't refer me back, as Rod Beckstrom did, to a constituency. A constituency can't achieve that.

---

Thank you for your time.

CHRIS DISSPAIN: Thank you, Nigel.

Andrea.

ANDREA GLORIOSO: Hello, Chris. My name is Andrea Glorioso and I represent the European Commission on the Governmental Advisory Committee which probably makes me a not very popular person when I'm in this room, but I'm anyway happy to be here and to listen to all of you.

Now, normally the European Commission -- and I should say that in this moment, I am speaking on behalf of the European Commission. Normally the European Commission does not react to gossips. However, exceptionally, and since I have repeatedly heard gossips that the European Commission asked for the Governmental Advisory Committee meetings to be closed, I feel compelled to note that this is not the case. This was a decision of the GAC as a whole.

I, in fact, double-checked with the GAC chair just to make sure that I didn't make such request while drunk and I forgot about it and she confirmed the fact that the European Commission never made such a request.

So this is just for the record and just for it to be clear to everyone.

---

Now, another thing which I don't like to do, which is speaking on a personal basis and I don't like to do it because the European Commission is paying my ticket to come here, but if you'll allow me, in response to the comment by the gentleman before me that the GAC communique should be put up for public consultation, I personally -- personally -- think that that is something that the board and ICANN should certainly consider, provided that the public consultation is designed in such a way that it reaches beyond what some people call ICANN insiders and reaches the global world outside. And if you do that, I posit that you might be quite surprised by the results and the responses to that public consultation.

Since I have 15 seconds left, and apologizing to my chair who is sitting there for stepping into this, but I would just like to react to the comments before made concerning fundamental rights. I would suggest to read the introduction to Annex 1 to the GAC communique which we just --

[ Buzzer sounds ]

Thank you very much.

CHRIS DISSPAIN: Thank you very much.

Well, now, our last -- our last speaker. Sir.

VICTOR NDONNANG: Thank you, Mr. Chair.

---

My name is Victor Ndonnang. I come from Cameroon, a member of the Internet Society Cameroon. I'm here invited by the At-Large community of ICANN.

I will be very brief.

My first comment, having stayed here during the week, is I want to please ask ICANN and ICANN staff to stop saying that ICANN works on complicated issue. Human beings like simplicity, and when newcomers come and learn that ICANN is too complicated, they went back and they didn't come again. And you will see every time the same people because it is complicated and new people don't want to jump in. So please let's make ICANN issues less complicated.

And my second comment is about the ICANN motions.

In the past, it was one world, one Internet, everybody connected, and today it's just one world, one Internet because, I don't know -- maybe you will tell me -- ICANN didn't care about people getting connected, you just care about making the Internet one.

And maybe the Internet will become one and we'll not be able to connect to the Internet because lack of trust or something else.

So please, if ICANN cannot work on connecting people, I invite you to collaborate with other organizations who works on those issues and enable -- and make sure that everybody will be connected to the Internet.

My last comment --

---

[ Buzzer sounds ]

CHRIS DISSPAIN: That's okay. Finish.

VICTOR NDONNANG: Thank you.

So my last comment is about the African strategy, and I want to thank you, ICANN leading team, for that initiative.

When I first applied for the fellowship to come to ICANN, I stated in my expression of interest that I want to become the next African accredited registrar because I'm also a young Internet entrepreneur, but since 2008 nothing happened.

A lot has been talk and I realize that I think we are becoming more and more complicated force from developing world.

So what I want to ask, I don't know is it possible to start now working with an African or developing world RIR because one clause cannot fix all.

Thank you very much.

CHRIS DISSPAIN: Thank you. Thank you very much.

[ Applause ]

---

Now, we're done with the line. Fadi has asked for a little bit of time to respond to a few questions. And then we'll throw back to Brad and close up and get ready for the board meeting. So Fadi, over to you.

FADI CHEHADE:

Okay. Thank you. My wife came with me this time and she asked, what can I attend? What should I attend? I said, if there's one thing you can't miss is the public forum. So I'm glad she's here.

This is the best part of the week for me. I hope it is for you as well. This is where ICANN is alive. We talked about a vibrant China. This is a vibrant ICANN. It's fantastic. And I thank each one of you for coming up to the mic and stating your points.

I just wanted to say a couple of things. First of all, I felt frustrated for some of you because you had laid out some very good points and very good questions and you didn't get an answer. It's -- it's frustrating, I'm frustrated listening -- watching people come up with such great questions and not get an answer. Of course, if we were to answer each question, it would take a long time today. But here's my commitment to you, as soon as my staff is back on its feet next week, I plan to have a meeting with my team and we will review the record of the public session, question by question, and we will assign them amongst the staff and we will answer everybody, if we can, by the end of this month. If not, by the first week of May. So you should have some answers. Even if they're not complete, we should acknowledge your questions and tell you where we stand on them. And on this, Michele was right when he said, how are we going to do this as we grow, as we become

---

bigger? I mean, there's going to be more questions and many times people submit answers to the public forums and they feel that these things went into the ICANN black hole. And that's not good. That's not healthy for our program. Every question, every comment that people took the time to put, must be answered. And the solution to that is complex, but I know that Sally and David Olive are currently working on a plan so that we can deal with this moving forward. This won't be solved in a day, but we have to solve this. You must feel everything you put into this community is responded to by this community.

One other person said things seem to go into the bowels of icann.org, the grandmother that called from Canada. Please use MyICANN. MyICANN has one of the most powerful engines to track any subject you're interested in across all of the ICANN microsites. So please use it to find what you need. That doesn't give us license to have an icann.org that sometimes does feel like a huge -- a huge black box, but please use MyICANN. It's saved thousands of you who have registered already from searching for things on MyICANN.

I also heard a few things that I want to answer quickly. Registrants rights and responsibilities, it's open. It's in a comment period. We had not published that bill before. The first time we published them, I think Bill from PayPal said, was when we put out the RA for the first time. Go back and give us comments. I think the registrars were very courageous to put this document together at our -- working with us, and if we have comments, I'm certain they'll listen.

Google spoke about published comments on the RA. All the comments we received on the RA have been published. And you can find them on

---

-- on the blog from two weeks ago. Panels are black boxes, Antony said. And, you know, this is how -- on the issue of strings that are plural versus singular, let me just be very clear about that. Many of you spoke about this. The guidebook says, it's -- has to be confusing similarity visually. Visually. If you don't like it -- and I will admit I may not as well - - go and follow process. Let the GNSO change the policy. That's the guidebook. That's what it says. Okay? It's not for the board to fix that. I mean, you've told me all week, bottom-up. So bottom-up. Come back and tell us how to fix that.

There was also something about timeline visibility from, I think it's Adrian now as opposed to Adrian. He says give us timeline visibility. So to Adrian I will say, yes, I have given you timeline visibility in the last webinar. By day I told you what will be released. We will address that in the next few days, based on some of the comments, and my commitment to you is, even if contracting shifts a little bit, we will try as best we can to stick to the timeline we gave you. But I will republish one by the day as clear as possible because visibility is very important.

There were also questions about other mechanisms for IP protection. Two of you came up and talked about that. I want to tell you I confirmed with our general counsel. There is nothing in our agreement -- and Amadeu mentioned that -- there's nothing in our agreement that precludes someone from also using other -- other databases than the TMCH. So I want to be very clear on that. It's up to the registry.

There was also comments about the trademark +50, the outcome of the -- of the straw man proposal. I listened, David Cake, and I will -- I will talk about that to the community. Again, I appreciate the comment and

---

I appreciate the fact you came up and talked about the substance. I really do. Thank you very much for that.

And I think there was Mikey who spoke about more dollars for the working groups. This is a very good request and Mikey always reminds me the importance of the working groups in our multistakeholder model. So I will talk to David Olive and Xavier and see what we can do, but I want to make sure our working groups have the funds to do the great work they do.

The young lady, Chang Liu, spoke about single letter domain names. I will also talk at least to dot com about that because there was some discussion about single letter domain names that is open and yes, from a technical standpoint this is not an issue. It's bigger than that, but we will look at it together.

I want to finish with three key points. The first is, I want to remind everyone, we will not jeopardize the security and stability of the DNS for any reason. This is -- this is rule number one. So no worries there. There's nothing that will be rushed. Our number one priority is not speed. It's getting things done the right way but using the most agile possible approaches. But agile doesn't mean we circumvent the process. I said that the first day, and I want to go back to this again. So therefore, it is -- I listened to all of you, the registries, the registrars, all the people who want to look at the new RA and RA contracts, and based on listening to you this afternoon, I am still of the opinion that we should stick with the process. We should put these agreements out for 21 days of comment and 21 days of reply. That's the process. That's the multistakeholder model. We stick with it.

---

What I can do on the other side is work with our registrants, registrars to become agile on the operational side. Maybe we can find ways to start the predelegation testing before the contracts are signed. I'll work with you on that. We'll come up with the most agile approaches to not delay the program. But not at the expense of the multistakeholder process. That you have my commitment on.

I want to finish with something that many people came up to me, including my staff. We have gone up the first phase of this mountain of the new season at ICANN quite fast. The GAC, the staff, the community is a bit out of breath. I will admit, I am too. It is time for a little bit of base camp. That doesn't mean we slow down. That means we stop, we take a breath, we look at what we've done, and we move forward calmly and continue our work. So I'm -- I'm very cognizant of the speed at which we moved and we did it to decalcify some things, and we did. We now all see this program, where it's heading. That's a good thing. But I am also aware of how exhausted many of us are. Especially, especially the volunteers, which don't get the recognition they should. This community has so many volunteers that work so hard all the time. Staff is paid to do so. The board has committed to do so in its role. But volunteers in the community who are extremely, extremely committed to this, we need to be also recognizing their time, and I commit to you to do that, without losing momentum but gaining the strength we need so we can go up the next phase together.

[ Applause ]

---

CHRIS DISSPAIN: Thank you, Fadi, and actually straight from me back to Brad.

BRAD WHITE: Thanks, Chris. I'm going to throw to Steve to make some final closing comments. But the one thing I did want to say is, please come at us with what worked and what didn't with this session. We made these modifications based on what you folks have told us. I think we're all in agreement that this would have been a disaster without that phone line, for example. People were just clogging that line. We want to hear from you, though. Tell us what worked, what didn't. By the time we get to Durban we'll incorporate some changes. We want to keep tweaking this process. Steve.

STEVE CROCKER: Thank you, Brad. And let me thank everybody on the board who cooperated, particularly the facilitators for this process. And thank you, Fadi, for your multiple points of involvement along here. And most of all, thank all of you.

I sat here active in the first part and then listening intently throughout the rest. This was really one of the most content full and focused sets of inputs and contributions I think that I have ever experienced in quite a few ICANN meetings. So from that point of view, I think we've really been very well served. I also am particularly grateful that there was a considerable amount of cooperation and discipline in this process, and I think that helped everybody. So let me ask for a round of applause for everybody here.

---

[ Applause ]

That said, let me echo Brad's request, don't hold back on any further comments that you might have about how we should run this process or, you know, how we can make it better. During the early parts of this session I was getting quite a few inputs. They stacked up at the public -- all of you liked it a lot and some of the board members were grumbling about small issues about sight lines and so forth. So we'll probably evolve a little bit more, but very pleased that this is -- had a noticeable effect.

We are about to come to the formal board meeting, and I want to make two comments. First of all, as Cherine mentioned that there will be a gTLD committee meeting. As you probably all reasonably well understand, though we've empowered the new gTLD committee with the full authority of the board so that when it makes resolutions those are -- they don't need to come back to the full board. The new gTLD committee is a very large faction of the board, so there's not that much difference in breadth and depth. On the order of three quarters of the board. What we haven't done in the past and what you'll want to try to evolve is put the same kind of visibility that is appropriate for that operation, publish agendas, public presence when possible and so forth. So today we begin that process. I don't believe there are any actual resolutions pending, but there will be some items for discussion. Cherine will say a bit more about all that. And the mechanics will be that we'll run the regular board meeting momentarily and then we will transition into the new gTLD committee operation, right? Oh, the reverse?

---

CHRIS DISSPAIN: Yes. New gTLD first.

STEVE CROCKER: So I'm always the last one to get the word here.

[ Laughter ]

So good. A word about the public board meeting. We generally try to run two board meetings just to take advantage of the fact that the board is physically in one place. We typically run one during the weekend off and on Saturday to clear away, take care of whatever business has stacked up that is not particularly interesting. And then a public one. Now, a word about this interesting idea. Last year after the Prague meeting we took some criticism -- it was really aimed at me and I take direct responsibility -- that during the Saturday board meeting we passed some resolutions that the community would have liked to have seen us do in public, the budget and the dot com agreement to be specific. I took that very much to heart, and so the decision process about how to divide up the agenda is tilted substantially in favor of doing more in public rather than less. And as it's worked out for this particular meeting, that left us with essentially nothing to do on Saturday, so we canceled the board meeting. We would have missed the minutes, but it seemed silly to hold a formal board meeting just to pass the minutes. So you'll see the minutes on the consent agenda.

That said, there really isn't all that much that's interesting, at least there shouldn't be. The processes leading up to resolutions presented on that

---

-- at board meetings are supposed to be fairly full and complete so that much of the interesting debate and discussion has taken place ahead of time, mostly from a bottoms-up process and through the SOs and ACs, through the staff and so forth. And when there is discussion within the - within the board, it's not very efficient to begin raising new issues during the point of having a -- during the process of having a board meeting. So we tried to allocate sufficient time for that in separate kinds of discussions. That's not to say that we try to reach unanimity or force a position. It is perfectly okay for individual board members to have their own opinions that may or may not line up with majority and we encourage and provide a direct mechanism to place those opinions on the record as part of placing a vote. We don't have, to my knowledge anyway, we'll see if there are any surprises, but to my knowledge don't have any high expectations about this afternoon's board meeting being all that interesting. And you'll see the agenda when we get to that.

So with that, I suggest that we move directly to your -- your part of this, Cherine. Those of us who are not part of the new gTLD committee will step back from the stage here.

&gt;&gt;

Ten-minute break.

STEVE CROCKER:

You want a ten-minute break?

---

>> [ Speaker is off microphone. ]

STEVE CROCKER: Back at 6:00.

6:00 p.m. sharp. Okay. Go take the bio breaks, smoke a cigarette, whatever. Back here 6:00 sharp. Cherine will start.