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BEIJING – Joint Fellows / APRALO ALSes Meeting  
Wednesday, April 10, 2013 – 07:30 to 09:00  
ICANN – Beijing, People's Republic of China

JANIS KARKLINS:

Good Morning everyone, so we have made it to Wednesday which sometimes is pretty spectacular to get to after Music Night and At-Large celebrations and just getting used to jetlag and everything that's happening, so this morning we have several presenters who have come into our living room to share with us a bit about how they wandered into ICANN and what their community is all about. So without further ado, I will introduce Patrik Fältström who is the Chair of the Security Instability Advisory Committee and he will speak on everything that I don't know, he will let you know.

PATRIK FÄLTSTRÖM:

Thank you very much Janis. So some of the people in this room I recognize but also I am very happy to see new faces. I am coming from Sweden, I am not native English speaking, it creates some problems now and then specifically when you are standing up and you are getting questions and later quoted in the press. So how come I am here? I started just like many of you by working at a university, this was around 1987 in Sweden when we decided in Sweden that we should try to get internet running in our country. At that time of course the incumbent which was the only Telco we had said that internet is not something to have at all, and by the way in some countries in Europe it was illegal to run the internet, something that maybe some of you recognize. But I decided that I actually believe in this ability to communicate and specifically the ability to communicate in a cheaper way and also I

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wanted end users to be able to define what services they wanted to use. Let me phrase it differently; historically we only had one telephone company in Sweden, and that was the case up until 1991. That telephone company was the only one that served communication services and they defined exactly what services you wanted. The most interesting stories they defined was that one year when they released a service where you could get a phone call automatically diverted to another phone number if you didn't answer the phone, and that was really cool. It took them several years probably to develop that. Today I think just on the Apple app store we got like million new applications every year. That change that you are seeing is thanks to the ability to communicate, the ability to innovate, and the ability for everyone to do exactly what they want. For me that is a very important part of freedom of expression, innovation, and it's actually the case that in Sweden you might have seen, some of you might follow politics in Europe, just because we actually have deregulated quite a lot and I'm coming back to the security issue shortly, that in Europe there's quite a lot of discussion to make it mandatory in law that internet should be open, that all the internet access providers must provide an open internet. We cannot have that law in Sweden and the reason why we cannot have that is that the ability for enterprises, which of course also are access providers, to provide whatever service they want, including a broken internet access service, is part of one of our foundation laws of freedom of expression. So if it is the case that we would a law saying no it is illegal and you must have internet connection to all users then that would violate human rights in Sweden. And we also have to remember that if we are really nitpicky on freedom of expression, freedom of expression includes the ability to say bad words about someone else,

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and this has as some of you might know, created quite a lot of discussion in the government advisory committee when discussion about registry-registrar agreements and the agreements between the registries and ICANN regarding notice and takedown for the new GTLD applicants. So the environment we have in Sweden today is very different from 1987. We have companies that can provide whatever services they want and the government cannot make any bad services illegal. So how do we handle that situation, how do we handle security? What if people develop things that are not safe? The only way of solving that in Sweden is by increasing the consumer rights legislation, so you have the ability as a consumer to complain if it is the case that the service or product that you have got did not match your expectations. So for example, if it is the case that you bought a product, according to the labels on the product you thought it was something and if you within 2 weeks discover that the actual product you got was not what you expected according to the label, within the first 2 weeks you have full refund, all money back, no questions asked. The companies are required to give the money back to you. Of course that is used by some people; you want to go on a one week vacation somewhere and you really would like to have a computer with you but you don't want to bring your own, then you go and buy a computer and after a week when you come home from vacation you go back to the store and say no this is not really what I wanted so I want my money back. That of course is not really the correct way of using this legislation but it is up to the company to prove that they actually sold the product that they announced, and we have that in food, we have that in all kinds of goods including electronic communication services. So one thing that was a little problematic in Sweden was to sell domain names. What if

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someone buys a domain name? Are you required to give the money back if they don't want to use it after a week? That could create a serious security issue because there are some people that buy domain names, set up a really bad website that distributes malware and then after 3 hours they stop using that domain name and start using a new one, does that mean that people can rotate over domain names and then never have to pay? So each country has their complicated situation with legislation and security issues and this is the complicated situation in Sweden. How do we create secure products without having any legislation which we can use against companies that produce bad products? So we have to have regulation regarding the ability for communication service providers to actually provide the service to you that enables your communication, so the legislation that is positive, and we also have some other wordings, for example if it is the case that you are a communication service provider and you provide service to quite a large number of people like more than 10,000 people, then the regulator actually has the ability to actually test your product and buy the product now and then without paying and just see that it works, because the impact of their service not working would have too great impacts on society. So we have oversight and audit on communication services but we can still not have legislation that forbids them to deliver bad products. So the security landscape is pretty complicated and the Swedish legislation is so strange, specifically communication legislation, so based on the fundamental human rights, and this is also why we have been pushing from Swedish side in the human rights council quite a lot all the various outcomes from the internet governance forum that you might have heard of and also Frank La Rue, the UN Special Rapporteur on human rights, that says that any impact on openness in internet will

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have impact on the ability for people to live up to human rights. And that was something that in quite a large number of venues now I am pretty proud over Sweden being one of the countries that has been pushing that. But the fact that we have different legislations in different countries is of course is just because we are coming from different cultures and we have different views on what is right and wrong, and internet is global. And internet transaction that I as a Swedish person, I am here in Beijing at the moment, I might buy some electronic goods, an app for my cousin that lives in Germany from an electronic store in the US. You might have in every transaction 5 or 6 countries involved, then the question is, if something breaks, which one of the legislations are we going to use and how do we chase the criminal, what law enforcement agency do we talk to, and how can the law enforcement agencies talk to each other cross border, and if what is done is illegal in one of those legislations and not the others then who has the ability to say whether this is actually an illegal transaction or not? So this is here with cross border implications of blocking and illegal activities is something that we are trying to work quite hard on in SSAC at the moment, and specifically the globalization of security implications, all the general service attacks, all the problems with like you might have heard during this week all the problems with the new GTLDs that people now will start to use domain names that have previously not been in use, and that creates a security implication. There are many companies that have been using some of these strings that people have now applied for internally in their company. What happens when that string suddenly gets to be used out in the wild? Would that company's email stop working? Might it be the case that people on the internet suddenly can access the internal site of that company? No one really knows. And

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this is what we are working with in SSAC. We are trying to look at what are the security implications of the new ideas that people come up with in the other groups in ICANN. And the way we work is by having the ability for anyone, any group, to send us questions. So we have this idea of running this through the policy development process, will that have any security and stability implications or here is this policy development process or here are the various questions that we will ask when we are checking whether a new registry actually will be able to deliver their services; do you think those are the right questions or is there something else we should ask as well? That's a difficult question. The government advisory committee we had a discussion with them. You all know that for example triple X was a domain that was delegated. So if it is the case that within one legislation they decide to block triple X, will that have implications on the ability to communicate in another country where not having the ability to access triple X, like in Sweden, would be a violation of human rights. Let's say that in Norway, that is a neighbouring country to Sweden, if in Norway they decide in court to block triple X, is there a risk that that will have an implication on the ability to communicate in Sweden, and if so is there some requirement that we should put on the registry for triple X to minimize that risk? Those are the kinds of things that we are looking at in SSAC. Regarding Fellows, we have SSAC member that came straight from this group directly into SSAC, and he is doing a very good job. He has, for me, a name that is extremely complicated. For many of you my name is very complicated, and I do understand if you don't try to pronounce that. We also in SSAC have our first Fellow. It's a little bit different from the Fellows that you are running because we are going to bring in a student from a university that actually will work on 25%, which ICANN is

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financing, to do research on the topics that I just talked about, and that is one way for ICANN to bring in Fellows in our community. And another thing we are very proud of which fits into this Fellow thing, the last thing I will say, is that we also have decided that that person just like everyone that is a member of SSAC too will have full access to every document and everything we do. So the day when you are an SSAC member then you are an SSAC member, and we think that is important. So if you are more interested in what we are doing in SSAC we have an open meeting tomorrow morning, I think it starts as early as 8 to 8:30, which of course is no big deal for you guys that start earlier than anyone else. So if you want to hear more specifically on what we have done this week, please come to that meeting, and I will be around here at least until 8:30 so I am happy to talk to anyone. Thank you.

JANIS KARKLINS:

And of course we are open to questions and I have to say that each time Patrik comes I think okay I'm going to get some work done and I literally sit here and take in what you say. There is always something different and might I say you make security and stability sexy, it is really cool stuff.

PATRIK FÄLTSTRÖM:

The thing is that there are too many people that think of security and stability as an addition to whatever they are doing. They come up with this cool product or cool service and say oh by the way we need to have more secure authentication or login mechanism for the user. That's not very easy to add afterwards. You need to have security and stability as the base foundation just like other functions.

JANIS KARKLINS:

And I want to point out the other interesting thing is that Patrik is weaving in the multi-stakeholder model, so SSAC is not standing alone

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in the mode, and is working with policy development, working with the internet service providers, so it's really a testament to not coming to the ICANN meeting and creating your own meeting, having your own sessions and staying with your own you know neighbourhood block, but extending yourself to the entire neighbourhood and how we all are working together to make this. We talked about the 5 pillars of ICANN, one of which is stability and interoperability, and that is really being spoken by you.

PATRIK FÄLTSTRÖM:

We have at the moment 38 members of SSAC and we have a membership committee that interviews the people that want to be members and what we are trying to see is that all the members together have a complete skill set that is needed to be a complete evaluation of security and stability. So it has happened that last year we had one of the best people in the world on DNS applying to be a member on SSAC and that person was rejected because we have enough DNS people on SSAC. So last year we looked for law enforcement and we got the friend from Mauritius. We have been looking for people with legal competency in the law enforcement field and we found a lady from Australia. We are at the moment looking for people that have name space skills and I would not be surprised if we get a librarian as a member, so we really together need to have also a multi-stakeholder skill set internal in SSAC, not only that we are reaching out but also internally.

JANIS KARKLINS:

Questions?

NICOLÁS CABALLERO:

Good morning. I just wanted to know your opinion about the situation the pirate party was facing in Sweden and their moving to Norway, to



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Spain or to even North Korea I heard, the pirate party? What can you tell us about that?

PATRIK FÄLTSTRÖM:

There are two different things. First of all there is a political party that is called the Political Party and they have not moved around. Even though I said that companies in Sweden are very solid and the government cannot do much about a company if they are selling bad products, if it is not the case that the product is for example pharmaceutical or cars or other things that people really get killed by. And those legislations around that, those are exceptions to the human rights. What has moved around is the Pirate Bay which is a service and what complicates things is the pirate party because they are a democratic party Sweden, you cannot touch them, so the pirate party decided to host the Pirate Bay, which is kind of interesting. So what happened was that the courts cannot touch the pirate party, so what the courts did was that they managed to get a court decision that the upstream provider to the pirate party was not allowed to give them transit as long as they hosted the Pirate Bay, so Pirate Bay moved around. Now, the only court case against Pirate Bay that I know of in the world which has said that they are illegal, is a court case against one ISP in Denmark. What has happened though is that there have been several court cases for corporate infringement against individuals, including in Sweden, and the individuals were found guilty for corporate infringement but not the service. So the piratebay.se as a domain name is still up and running in Sweden and the domain name is still there.

\_\_\_\_<AUDIO DISTURBANCE>

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First of all I have not heard anyone that is interested in the substance of cyber crime convention. I have not heard anyone saying that that is a bad text, so I really encourage everyone to work with their respective groups. And that is actually one of the things that our friend from Mauritius managed to do with Mauritius; he convinced Mauritius to sign up to cyber crime convention, so talk with him.

\_\_\_\_ <AUDIO DISTURBANCE>

It is something like giving up your own sovereignty and the ability to decide what kind of laws you are signing up to. So there is political resistance which is absolutely understandable but not substantial objections to the text. How effective it is? I think it has been pretty effective. For example in the work that is done in Interpol as you were saying, because the cyber crime convention creates a base foundation about what kind of issues you should work with globally and then if we really go into how effective cooperation is, unfortunately the actual operational cooperation is not so good and that is specifically for two reasons. One, various cyber crime issues, for example denial of service attacks, for example in Swedish law denial of service attacks is something that is classified under the legislation about breaking into a computer or taking over services. \_\_\_\_ <AUDIO DISTURBANCE 25:40> write a document that informs everyone from law enforcement to the ISPs, what law enforcements can do, what are the barriers, what are the papers they need to sign, up until everything including ISPs and registries if you get a notice and takedown order from the police in another country, how do you know it's the police? What kind of question should you ask to know that it's the police and not someone that just wants to take down a service? So to answer your question, I

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think the foundation is correct, I think some of these international agreements are absolutely right, but how is the implementation? Still pretty bad. And what is the education in law enforcement? Also still pretty bad. So there are a lot and lot of things to do. And WikiLeaks is a complicated situation, and to be really honest I don't really know what the right and the wrong thing is there, and I don't really know what the current situation is. What I do know is that if you look at how safe information on the website is, Iceland is probably the country that has the best legislation that protects content in newspapers also electronically. So in Sweden we are proud of many things but I am not really proud that we have not really established the same kind of legislation as they have in Iceland, because in Sweden we have protection against newspapers. So, on the other hand, in Sweden, if you have a blog, you can register as a newspaper, it doesn't cost anything. You just send an email and you're done, and then you have the same protection, but you still have to do an active action to register and then you're done. So where we are with WikiLeaks, I'm sorry I do not know.

FATIMA:

Good morning, this is Fatima from Argentina, thanks for your presentation. Maybe it is a tricky question. To keep the internet open do you think we need to create or protect or recognise political principles related to human rights or fundamental rights, or technical principles entwined in openness, interoperability, or both? What is your opinion?

PATRIK FÄLTSTRÖM:

Both. I think more countries must understand that human rights and openness should be the base foundation of their communication legislation, and most legislation that is conflicting, for example the openness as baseline in human rights, and then the ability to block for

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criminals or takedown, that legislation must be formulated as exceptions to the human rights, not the other way around. So regarding technical things maybe we need regulation there but what I think is more important is that specifically the governments and public services and companies and all of us, when we buy internet service and internet access, we should not buy those cracked products, sorry for using that word, but there are bad products and we should not buy them. And the problem I have in Sweden for example, the government says IPv6 is important, DNSSEC is important, and then the government does public procurement; do they have IPv6 as a requirement? How can the government believe that private sector will develop IPv6 if the government doesn't buy it? And regulation will not help because to a large part the internet is run by the private sector, it is a private led sort of cooperative communication network. And the best way is to use I so much more like to use a carrot than a stick to get people to do the right thing. So I encourage everyone to pay a little bit more and buy good products. I think it starts there, and then maybe we need to have some kind of legislation regarding some kind of openness, but that is the same kind of regulation oversight that we have in any market economy situation, that we sort of have a controlled and it should be formulated as a way to ensure that the market economy forces are still functioning.

ALBERT DANIELS:

Some developing territories are considered soft targets with regard to the risk of cyber attacks. Can you speak for two minutes on the situation in the Caribbean with regard to internet security?

PATRIK FÄLTSTRÖM:

I didn't really understand what the question was.

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ALBERT DANIELS: Can you speak for two minutes on the situation with regard to the Caribbean internet security?

PATRIK FÄLTSTRÖM: In the Caribbean, unfortunately I don't have enough insight of really what's going on there. What I do know though, and this is South and Central America and the Caribbean, and a few of the reasons why I started to travel there a little bit more lately is that we have a very complicated situation regarding the physical infrastructure that the ISPs that are local in the countries in Southern and Central America, specifically the landlocked countries, do not have many choices of upstream providers and that creates some security issues by themselves because we have to remember that security is not only the ability to catch criminals, it is also as I tried to explain, the ability to communicate and to create an ability to communicate you need to have a robust network, and I will try to express it this way; if I communicate with Janis, for Janis for example, we can discuss for hours how to encrypt our traffic so no one can eavesdrop on it, but if the communication line is broken it doesn't matter. So the first foundation is that we can communicate, so robust networks, the ability to route the traffic in different ways, that is an absolute necessity, and that is unfortunately not possible in many countries in the world, and specifically Central and South America it is a little problematic at the moment because it can be two neighbouring companies in the same country, they have been working on local regulation, they have competition regarding internet access, but still the internet traffic between two companies go to Miami and back. Not good. But the specifics in Caribbean I don't know, there might be other people in the room that know better than me. I'm sorry.

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LYNDEL MCDONALD: Thanks Patrik, Lyndel McDonald from Jamaica. If I could just add to that by saying most Caribbean countries have one primary ISP, so it's pretty much one route where the traffic comes in and then the secondary ISPs will distribute it into various regions of the country. So, rightly said, competition is there but to a smaller extent, and without that kind of infrastructure it would be difficult to achieve some of the things.

PATRIK FÄLTSTRÖM: But things are changing fast, so there are internet change points developing, I hear about a new one every third month or something in some countries or areas in South America, and that is also one of the reasons why I am trying to help and push. It's hard to compare of course because there are different problems regionally, but all the discussions around, not the landlocked countries but some of the countries along the coastline of Africa, that discussion is now going on in South America and is on its way to being resolved in approximately the same way. So a lot of things to learn also between the various regions, but to have more communication, more alternatives, that is important not only for the individual but also for companies that try to provide access.

JANIS KARKLINS: We are going to go to Leanne. I will just mention that ICANN is very close to selecting its Caribbean manager for global relations and I think that will be very helpful to get a single source at least of information that is living in the region; you can talk to the Lyndel's and Albert's and bring the information.

PATRIK FÄLTSTRÖM: And they also know that in Europe and internet society are at the moment writing papers on why for example the cost of internet access is so different in different countries, and look at everything from regulation to the amount of physical infrastructure through many other

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parameters, so we have a very fascinating year in front of us where we will see many of those documents, because in some cases like we see in Africa, like it was the situation in Europe before 1995; in one country it costs almost nothing to get internet access and you just go to the neighbour and you pay 100 times the same price, and you cannot understand why.

JANIS KARKLINS:

I'm part of that group; I don't know why I pay what I pay.

LANA GALVESTON:

Lana Galveston from Armenia. I just wanted to say that Armenia is one of the countries that signed the cyber crime convention and I think this is a really good place to start against cyber crime. My question is about domain names; you said that someone may register a domain name and then refuse from using it. Is that really happening or is it just an example?

PATRIK FÄLTSTRÖM:

Yes that has happened. That was actually a problem in the first registry and registrar agreement that ICANN had, that people actually were moving around between the domain names. What people are doing at the moment is still registering domain names but they are delegating the domain and updating the delegation quite quickly, and there are various other kinds of really nasty things that people are doing at the moment like delegating domain name, let me take this as an example, if I am a criminal and I register a domain name then I delegate it to my name server, then I issue a query for that domain name in Google and all other ISPs I can find in the world. That will make the information about the domain name stay in the caches of all of those name servers in the world, then I remove my delegation, which means that information about me is removed from the WHOIS records, but it will

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still be cached for maybe one day. During that period when the domain name is still in the caches but not in WHOIS and not delegated, that is when I do my crime. So at the time of the crime, if you compare the logs of the crime with the logs of the registry, there is no match because when the crime is happening according to WHOIS no one is the domain name holder. That is currently one of those issues that we are working with and trying to see how to solve. So that kind of rotating, that is kind of popular because people that do crime and various kind of things want to be invisible. At the moment though the most problem we have with DNS are people that don't care whether they are visible or not and they do denial of service attacks, and we currently have quite large denial of service attacks which actually create quite large problems for also large ISPs. We had denial of service attacks for example the other week that is more than 300 gigabits per second, and I don't know how many ISPs or how many of you that can handle, that's probably too much traffic for your router. I run internet connect points in Sweden, and we can handle 300 gigabits per second and some, maybe 3 ISPs in Sweden, but no one else. So today I don't see much of this invisibility because people think it's much more fun to just overload a network, but see this will come back to what you are talking about.

WALID AL-SAQAF:

Walid Al-Saqaf, an ICANN Fellow from Yemen, but also research Fellow in Sweden. The contentions issue that I will talking about to cap the day is internet filtering and I am an activist in this field and I have been in good touch with the Tor project for example and many others who are working on this. However we find ourselves a bit in a dilemma in terms of when it comes to whether we are seen as the good guys or the bad guys. I know that the Tor project is supported by many Swedish entities



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including SIDA and many others and are seen as the good guys, I myself am hopefully seen as a good guy because I also use my servers to help activists in countries like Syria and others. But on the other hand there is the potential of using these servers for harm, and you know that cyber criminals would love to use a service that would mask their identity. So how could you give us in terms of advice on helping and guiding us on how to protect activists and people who would like to be anonymous but at the same time as much as possible prevent abuse of the service?

PATRIK FÄLTSTRÖM:

I think if you look at the situation in the world and full disclosure, yes I work with the Swedish Foreign Ministry quite a lot on these issues and we will have several meetings at the Swedish Embassy in Beijing on Friday to educate them on this specific issue that you just brought out, and our position in Sweden is absolutely clear. We have much too much filtering in the world so if you compare the good and the bad is creating just like you point out it's the view of the Swedish government and of me that if you compare these two the bad things are not even on the radar, I am sorry. So little bad things happening with Tor and these services this compared to the bad things happening otherwise so that is something that yes we have to think about it and what to do one day it might be problem but today we have to deploy more of the services unfortunately because of the interest of doing filtering we need to think as active as more, but I think it might be the case that you need to implement the way for court orders and legislations when you have a solid decision by a trust worthy law enforcement process that decide this is bad activity then it must be possible to trace that downstream towards whoever is doing the bad activity and it might be the case that

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you will get that requirement also on your products and your services and that is something that I talk to others in the Tor Project about, but today we are not even close to need that.

JANIS KARKLINS: You put the carrot out now and everybody including me wants to come to the next meeting.

PATRIK FÄLTSTRÖM: So rainbow room when you are done here and I will be either just inside the doors or outside and we can talk more.

JOY LIDDICOAT: Warm greetings to you from New Zealand, which is where I am here from, my name is Joy Liddicoat, and I am scheduled to talk to you about the noncommercial stakeholder group, but I thought seeing as you are a bunch of fellows that I would just briefly tell you how I got here. It's not because I have any technical background in the DNS or because I even can boot a hard drive or any of those technical things, I actually am here in ICANN because in 2007 I was in Pune in India, participating in a human rights and activism course for activists in the Southeast Asia region, critiquing a rights based approach to their activism. My background is as a human rights lawyer, human rights commissioner, public law and women's human rights in particular, and during that meeting one of the speakers that came to talk to us said, "Huh, call yourself a human rights defender, you know you guys really have no clue what's going on with the internet over there, why middle-aged North Americans, there is no diversity there and there is really important stuff going on with public policy and human rights and where are you?" And I really was quite shocked and reflected on this challenge that was given to us and I decided that I needed to inform myself more so I did. I went home and got involved in the dot NZ CCTLD the Country

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Code Top Level Domain manager that makes policies for domain names and the domain name space, and realized that there was a whole lot of public policy issues that was going on there that although they were supposedly technical, involved values and involved choices between values and therefore involved human rights, and it was really through that I got involved in ICANN in 2009 and then subsequently started working for the Association of Public Communications, APC, as some of you know, and its work around human rights and the internet, and APC decided to reignite its interest in its membership in the noncommercial user constituency and process was to run GNSO and represent noncommercial stakeholder group and I am here 6 years later, well I am telling you that because I think one of the very leveling and equalizing things about the ICANN route is it doesn't actually make what you are genius whatever your pathway was, whether the technical one, whether you came with marketing, whether you came from academic every single one of you has exactly the same right and same status and footing to be here and I am really glad that you are here. I think fellowship program is very important part of the work that ICANN is doing and I would encourage you to take a smorgasbord approach to this ICANN world, in other words enjoy everything on the buffet, taste everything, put back what you don't like, have more of what you do, and I am really hop that you will enjoy non-commercial stakeholder part of that which I want to tell you about, so the non-commercial stakeholder group we can say that I suppose talking to the ICANN is grow in public policy particularly domain names a policy making globally the bottom up multi-stakeholder model did lot of about it is unique and the generic name supporting organization the GNSO really is prominent in policy development program for GTLDS and its got four basic stakeholder

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groups, it's got the commercial stake-holder group, the registrar stakeholder group, the registries and the noncommercial, and the noncommercial stakeholder group is really in a sense one of the key civil society voice spaces in ICANN and we zealously protect and guard it and interestingly enough one of the fellows I met the other day said to me, "When I arrived in the ICANN registration I was quite taken aback. It seemed to be like a trade show with all these expo booths of all these businesses at the registration counter," and I was quite taken back because it never really occurred to me that somebody might come and think that this was such a space, but in a way they were right, because what they were really saying was you know as a civil society person coming into ICANN, where and who do I see myself afflicted in these processes, and that reflection I think speak to some of the reasons why you say the noncommercial user constituency and not for the profit organizational concerns constituency are really seeking to highlight some of the noncommercial voices here. There might be a good movement to show our video and I would like to then give Bill a chance to talk about some of the current issues that Bill Drake my colleague from the noncommercial user's constituency can speak to the some of the current issues in an event we have got today. So Janis just when you're ready?

**VIDEO FOOTAGE:**

Years down the road future historians will look back and go, you know where was a in time in the 1990s and 2000s when citizens of the earth built this open distributed network and everyone could communicate with each other freely and then it all shut down. An organization like NCUC has a special obligation as do all of us who care deeply about protecting and preserving service place. Since the founding of the NCUC

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constituency in 1999 we have been fighting for fair use, speech, freedom of expression privacy, I can place the key role in determine how those human rights can really being enforceable in the internet, when we talk about the multi-stake-holder community of the ICANN you have represented it from government from law enforcement, from private industry each of which might bring their own agendas interest particularly in international property and interest is over presented. What ICANN consistent now is a bunch of people running around the board, screaming out of training to get attention, decisions at ICANN are made by the people who show up, the people who scream most loudly so it is really important for several society to get involved as we need to balance that, we need to bring the kinds of human perspectives and human rights issues into these policies. NCUC in many ways is the most of us. We have over 200 organizational and individual members from more than 60 countries. NCUC it's a good way to show how open, diverse and participatory internet debate could be. Getting involved into NCUC is a great way to expose yourself to this environment of global governance and to empower yourself. Listen you've got to get involved in this ICANN thing because its important and if you don't get involved you are going to find the internet becomes a more constrained space. Organizations that are committed to noncommercial speech in the internet and are involved in using internet for their own advocacy and outreach definitely should join NCUC and they should bring their energy and their ideas and we will teach you how to participate in ICANN and you will help us create good policies.

BILL DRAKE:

Good morning everybody. My name is Bill Drake and I am the Chair of NCUC and I hope you are all much less sleep deprived than I am at this

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particular moment. I don't know if the organizational scheme of the GNSO environment is entirely cleared everybody or not but as Joy was saying there are since we had this structuring a couple of years ago we have got four stakeholder groups and then within stakeholder groups we have constituencies. So NCSG is the sort of umbrella within which there are 2 constituencies, NCUC and NPOC. NCUC as the film just indicated has been out for quite some time since the early days of ICANN going back to 1999 and we are the main place for civil society activism around GTLD issues until we had this restructuring of the GNSO a couple of years ago that created the stakeholder groups and so now we are the part of a larger umbrella thing so this gets all complicated so if you hear different acronyms going back and forth here, NCUC, NCSG, and NPOC, but that's the basic topography of it and as the film indicated are back on really very much what's coming out of a civil liberties kind of orientation there is a strong focus from the early days of ICANNs development and especially human rights issues such as freedom of expression, privacy excess of knowledge and so on over the years I would say the focus of NCUC had brought in some ways and in part because the whole global debate around internet governance brought in so much, and you know if you go back to the late 1990s, when the ICANN was born many people fought of the internet governance just management of the naming and numbering system and the other critical resources that provide the underlying logical and physical infrastructure of the internet. Of course now since we had this world summit on the information society process that went on in the United Nations from 2003 to 2005, we had much a broader understanding of a internet governances meaning essentially the different types of rule systems that are applied now only to the underlying infrastructure but

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also to the use of the internet for commerce communication and the information access so we now understand broader range of issues like into intellectual property and digital electronic commerce and so on to be essentially parts of broader internet governance topography and because that's true NCUCs interest then in issues related to the ICANN has expanded intended so I myself have been particularly involved in a lot of issues around internet governance for development for example in the internet governance forum which I have been very involved in since before the beginning unfortunately. So development issues and the broader geostrategic, geopolitical aspects of the internet governance and particularly the need to promote engagement with developing countries and particularly developing country governments and I have also come some kind of major incidents in the part lot of people in the NCUC, NCUC just update a little bit what said in that film now has actually registered a kind of new start taking a membership sort of the organizational building stage right now since I became chair in December and we have a new kind of active and trained basically all through volunteer labor build up a sort of institutional framework constituency so we have been taking a closer look at the member and basically now where we are I think we are now about 87 organizational members and about 200 individual members and almost 300 members what is I think is unique about NCUC relative to whatever parts of the ICANN topography is that the individuals can join as individuals and vote and participate as an individual, there are other bodies I participate for example also in the At-Large structures, I have been on the board of directors of the European At-Large organization for 5 years, but in the At-Large structure individuals don't necessarily have the same enroll and you have to join the organizations and so on NARALOs are bit

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different there more space for individual spit, basically then individuals don't have in most other bits of ICANN, the ability to participate on their own and vote and so on in the way that they do in NCUC. So for those of who are not parts of the organizations per se, but who have interests in these kinds of issues, NCUC certainly provides one avenue for participation that's pretty accessible. When we talk about the noncommercial I guess I should also say, you know that the idea really is that in one way and we should determine the 2 ways I guess. On one hand noncommercial users we mean civil society, the nonprofit portion of society, if you think of the way social theorists and others have talked about the organization of society, there is the State, there is the private sector, and then there is the nonprofit and noncommercial sector and so that bit which many people would call civil society, that has sort of been where our part is, but it is also the case that we are interested in protecting noncommercial uses not just users, and in that sense we are all noncommercial users at some level and even if you work in the private sector there ways are in which you are going to use the internet for your own personal edification, seeking out knowledge and information and so on, which are not about commercial activity, and we are interested in protecting and preserving the spaces for that to ensure that they do not become overly encroached upon by either the power of large corporations that are able to globally organize major junks of the internet or by the governments or into the governmental organizations, so we are trying essentially to push back against some of those forces that were mentioned at the beginning of the video that are generally meaning more towards more closure, more clamping down, more tightening, more restricting, etc, in order to support various purposes, which are entirely defensible and some which may go beyond



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that, in keeping with that I should point out that later today we are having two hour workshop called one world, one internet with the question mark, new GTLDs and in competition and a changing global environment and this is from 1 o'clock to 3 o'clock, room 8 AB, thank you very much, two panels with mix of the people both some was heavily involved in the ICANN issues for a long time but also a number of folks from China, Russia and so on. We will be debating different aspects of the tensions between preserving and open internet and pressures towards more closure more fragmentation and so on, so I have a schedule you can look at it up, but also happen some very nicely printed fliers here and interested in that so I will be happy to handle to anybody. And I will stop there and you know we can take any kind of questions.

JOY LIDDICOAT:

Thanks Bill. Just one addendum before we get to the queue. The not for profit organizational constituency, essentially if I could characterize it broadly, it's a relatively new constituency and its focus has generally been more on not-for-profits who are concerned about the way in which not-for-profit domain names might be used. A strong focus for example on intellectual property concerns and protection of not for profit names and name space and that field, its focus might be changing or developing over time but that has kind of been its genesis, and if you want to know more about that then please feel free to talk to me afterwards.

LYNDEL MCDONALD:

Bill could you explain a bit more the transition between the GNSO, or perhaps it works the other way around, the constituency, the stakeholder groups and then all the way up to the GNSO.

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BILL DRAKE:

Well there is a long historical development unfortunately to the GNSOs evolution which would be rather torturous and I don't think I can render very accurately right now because I got only about 2 hours of sleep, but before the restructuring it was a much more complex architecture and essentially we had a study that was done by a group of scholars from Oxford among others recommended that they had to be more balanced among the different stake-holders involved in the GNSO policy making process and so its decided to create this kind of bicameral structure with two houses with all the contractive parties put into one side into the stake-holder groups and all the non-contractive parties what users were are not the contracts of the ICANN into the other side and so that the non-contracted bit that has both the commercial stake-holder group which includes the business constituency intellectual property constituency and the ISPC, Internet Service Provider Constituency, so they work together representing business interests from a user perspective and then on the other side is us, and as indicated again NCUC has been around for a while, NPOC was created just a couple of years ago as Joy said, it started out very much as a more intellectual property oriented group, you cannot join as an individual, it is organization membership only on the NPOC side but I think they are trying to kind of broaden and refocus their activities as well.

IDELLA:

My name is Idella, I come from Romania, and I would like as a follow up to Lyndel's question and what was said before about the difference between At-Large and NCUC to understand better what is the place of NCUC in the GNSO in the policy development process, like what exactly does NCUC do within ICANN?

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JOY LIDDICOAT:

I suppose if I was to characterize that and it's true for all of the constituency groups, the NCUC is a space we develop policy positions on particular things, for example some of the current issues are the proposed amendments to the registrar accreditation agreement, the putting on the table the list of registrants rights, which has stimulated a debate what the list should look like and the generation of proposal for a new set of registrants right outside that, there are also a number of ways in which the GNSO council might develop motions or policy positions, the NCUC feeds into that, so for example currently in the GNSO council meeting today there are two motions on the table that have come from the noncommercial stakeholder group that have bubbled up out of concerns around some of the current policy issues, and then there are also a number of inputs that each constituency has into policy development process who make comments on issues that are out for public comment, make submissions we are particularly concerned about things we write to exchange of the board, so really there are a number of different ways that happens and it is very much what's needed and what suits the particular issues that are on the table.

BILL DRAKE:

So, if you look at the way the structure is set up, the At-Large basically is supposed to represent users and not just noncommercial users, it can be business users as well, across the entire ICANN environment, so At-Large takes views on matters that might come up in the CCNSO or SSAC or the management of ICANN as a whole etc. We are focused to the specific bit which has to do generic top level domains, the GNSO, so we have in that sense, number 1 a narrower focus, number 2 I would say because we are only noncommercial we have little bit different orientation so in many cases the At-large and NCUC have parallel

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approach and parallel interests and are able to gather and we often will adopt statements together and so on, but there are also areas where we quite frankly taking very different kinds of orientation I think we have been generally much more rights protection orientated I think that the ALAC leadership has tended to be more focused on protections, if you think that is the certain balance between the rights protection for example where comes to the things like privacy like WHOIS database, we have been very strong advocates of the privacy protection in the environment and that means what was the more protection law enforcement type of view because they feel that you know making sure that the WHOIS database has completely accurate information protects consumers. Similarly on broader issues on intellectual property, often we have been sort of more critical of the intellectual property maximalist kind of orientation which gets injected into policies concerning trademark and things like that, where they have been not had that view. So we have some areas where we have little bit different political orientations but other areas we are able to work together quite effectively.

JANIS KARKLINS:

I was actually going to say very daring of you since there are so many At-Large in the room, it is such a good conversation, I keep engaging those kind of conversations where we share as a multi-stakeholder model and I love the fact Bill where you said earlier that you are in both. You look at that side and you look at this side, and it's not really sides, I shouldn't say that; it's a viewpoint. But I just want to ask the both of you something that comes up a lot when we are talking to the folks in the developing countries, and it is about human rights, and I get asked this a lot as a fellowship manager and as the outreach manager, and Steve

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Metalitz made a comment that rings to me from Costa Rica when we got together on a finance session, but talking about the mandate of ICANN and where some want to take it, you know separate from the DNS operations or from the security instability interoperability and where does human rights fit in to all that, because you have mentioned it a couple of times I thought it would be interesting from your point.

JOY LIDDICOAT:

Thanks Janis. Well, as I indicated earlier, the ICANN is a private corporation making public policy and human rights are directly relevant to public policy. I remember the very first time as a GNSO counselor I mentioned the word human rights and I felt this kind of frisson of fear and concern run through the group and I was curious about that and I wondered why that was because I came from a civil society world, United Nations Human Rights counsel, UN Special Rapporteur on freedom of expression and freedom of association, where we were talking about DNS related matters quite a bit. And I think partly that is because the language in relation to ICANN around rights has been either in relation to a narrow set of rights such as intellectual property rights or has been in relation to what might be called civil rights particularly sort of North Americans construct of rights, whereas particularly from the developing country perspective human rights is quite a different discourse, a different language and a different history, and there is generally much more comfort with it. So that is the first thing I would say. The second thing I would say is that we see human right issues in ICANN public policy everywhere, whether it is on the question of proxies for WHOIS and the impact on human rights defenders who are working in countries and who require secrecy and their ability to use proxies and concerns about if those proxies are not permitted or if they are easily

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circumvented by law enforcement requests, whether that puts their own security at risk. For example and in relation to new GTLDs for example, we've community applications from dot gay, we've got a range of community applications where we see governments who are concerned about this for reasons which have concerns for us from human right perspectives, and so we see some quite specific, quite concrete areas even within the very narrow typical mandate of ICANN where there are quite real and quite practical human rights concerns. So it doesn't mean that the full span of all human rights issues are relevant, but where they are, they need to be brought forward.

SATISH BABU:

Thank you. Satish Babu from the Computer Society of India. My question is regarding further nuancing of this difference between NCUC and the At-Large structures as a person who comes from the At-Large structures but wants to be in the NCUC as well, I would like to know if NCUC is largely about the noncommercial users, all users of the internet, or is it about the use of noncommercial resources such as domain names. You mentioned org or ngo and so on, so is it largely about the latter or is it about all noncommercial users of the internet, that's one. And the second point is going on from assuming that it is all noncommercial use of the internet, it's actually quite a challenging task for many countries that like you have At-large structures at the regional and country levels. I see that NCUC doesn't have any counterpart at the country or at the regional levels. Now if the mandate is broad mandate then I would assume that you might want a kind of lobbying your advocacy or even consultative roles at the apex levels as well as the lower levels as well, I understand the NCUC is a new constituency, just a

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couple of years old, but do you have any plans to kind of go down in the hierarchy? Thank you.

BILL DRAKE:

The answer to the first question was all. The second question, the NCUC, we've been around since 1999, we do not have resources so it's a completely different kind of situation from At-Large, At-Large has 5 staff members, has a lot of resources that ICANN has put into it, we are basically all volunteer, so we don't have the ability to build up local structures all over the place, manage them, have administrative apparatus to maintain their interrelationships etc, etc, etc. On the other hand, it should be noted that of our 3000 members, about two-thirds of them are outside of North America, and I think we have members in about 65 countries. So we have a lot of people living in the developing countries but they are individual members for further local individuals working on the right issues rather than issues there we don't have a at the regional level or the national level support structure for them and their participation with us at a sort of global level so that is the difference, no question. On the other I can also say as a member of the board of the European At-Large environment that At-Large regional organizations also vary significantly in the extent to which they are actually institutionally manifested in some concrete way and able to lobby locally and so on. You know when you are depending on volunteer labor, you are depending on people to put their own time and effort in, and it's tough. It takes a lot to convince people that these issues are really burning issues that they should devote a massive amount of their energy to is difficult, but you know it's possible too.

SATISH BABU:

The consequence of not having such lower level structures would be that it is difficult for individuals to travel at the apex level, the costs are

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prohibitive, so having lower level structures would perhaps lead to more consultations.

JOY LIDDICOAT:

I think that not having regional structures also means there are fewer barriers to participation in a sense that in relation to the constituency group they operate lists, discussion lists, which are very active on the topics of the day, agenda items, and so on, and in a way the ICANN meetings which happen in moments in time in between all those other activities and not always necessarily the best place for those activities, so I wouldn't see the lack of structure as a negative at all, and yes one can be a member of ALAC and one can also be a member of NCUC, and we welcome and appreciate that. Any other questions? I noticed you asked Patrik about the human right side or the technical in principle side and you might be interested to know that last year I worked with Avri Doria on a paper on human rights and internet protocols where we looked at the shared values between human rights and things such as internet protocols, and I'd be happy to share that with you.

AYESHA HASSAN:

I am a member of At-Large and NCUC.

JOY LIDDICOAT:

Any other sort of reflections as you have gone through your day, top of day 3 of the ICANN meeting? Any other reflections that you have had on your participation?

WALID AL-SAQAF:

Walid Al-Saqaf, an ICANN Fellow from Yemen. I have been actually in the meeting we had, and I was also at the board meeting and I saw the interesting presentation by you but I felt deep inside that I really couldn't find the interaction that I was hoping for from the board and I also I can feel from what would you be mentioning challenges you are facing and then also civil society activities in my carrier and I understand



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also the constituencies when comes to the balancing between the interest of the particular party like ICANN in terms of reaching out to everyone and at the same time maintaining small presence all that say influence in the human rights and more generic and noble values that we cherish but one of the biggest problems that I have seen in my experiences the fact that we may not be able to articulate what we exactly want and sometimes our ambitions are so high that they are met with like a smile and that's all at the end of the day, to be honest, and maybe it's a matter of how we present the points in very precise manners, in ways that would be able to be measured later on empirically, and then drive them point by point and targeting like metrics. For example I like the fact that you did mention yesterday that the board had committed some things or at least mentioned that they had some sort of plan, but where they have come in that plan is the big question, which I unfortunately didn't see an answer to. So these issues are perhaps one of the biggest challenges and as a proud member from yesterday in NCUC, if I have been admitted, I wanted to help and I actually come from the developing world and also developed world through Sweden, so there are ways that I can perhaps contribute, but I also need to be leveraged with your perhaps more specific needs.

JOY LIDDICOAT:

Thanks for your honesty, and I know what you're saying, but I would say that there a some very concrete, quite specific things that are being worked on by noncommercial stakeholder groups at the moment, even though we have been talking in general terms including the new GTLDs, the independent objectives public interest comments on human rights, objections to certain GTLD strings, the accreditation agreement, the accountability and transparency review, team looking at the affirmation

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of commitments work, closed versus open generics, so there is a concrete program of work and I welcome that challenge to be specific and would really value and appreciate your input on those things and we can talk more about it.

BILL DRAKE:

The NCUC meeting that you came to yesterday was a discussion of our organizational infrastructure building efforts, so it was not a discussion of our policy position on particular issues, so perhaps that made you think that we were not engaged in particular issues. We have been for 13 years taking specific positions on the full range of issues that come before the GNSO. As far as the board, the way the board interacts when pressed by the community for questions, that's a whole other interesting dynamic which we need not comment on here.

JANIS KARKLINS:

We are out of time and in courtesy to the At-Large team coming in for this, I want to thank Joy and Bill, and I want to ask if anyone here would like to get a hold of you to talk more either this week or electronically, what would be the best way for them to communicate?

BILL DRAKE:

Well, my email address, I teach at a university so, I am [william.drake@uzh.ch](mailto:william.drake@uzh.ch) and I live in Switzerland and I teach at the University of Zurich. And Joy is at [joy@apc.org](mailto:joy@apc.org).

**[END OF TRANSCRIPT]**