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CR - ALAC / NCSG Meeting  
Monday, March 12, 2012 – 11:00 to 12:00  
ICANN - San José, Costa Rica.

Cheryl Langdon-Orr: Okay, the latest update, because there's been a huge amount of confusion this morning, for the ICANN and Internet Governance Landscape meeting held today, the time is, and has been confirmed, as 16:30 to 18:00 in Orquideas; that's 4:30 pm till 6:00 pm in Orquideas. So yes, it does clash with the WHOIS session. ICANN and the Internet Governance Landscape. Yes. No, in Orquideas.

[background conversations]

Olivier Crépin-Leblond: Okay, could we start the recording please. Alright. Good morning everybody. Welcome to this session of the NCSG meeting with the ALAC, or ALAC meeting with the NCSG, whichever way you want to read this one. We have a pretty long agenda today to go through, which we might not be able to do in the time that we have, although there appears not to be anyone in the after us, so we might be able to overrun a little bit if we wish to speak a little more on this. So we'll have quite a nice session.

A number of substantive issues that were agreed – objections to the IOC and Red Cross exemptions; ensuring SOPA and ACTA gets on ICANNs radar; LEA registrar and RAA, actually that could be a three hour session; institutional/process issues then outreach, which I think is something that we all are very fired up about, and the At-Large ICANN Academy, which we might drop because I know that Avri has been very kind in sharing information about that with the NCSG, or maybe you haven't, maybe you will then. Okay, excellent, super. Oh, and there's an update that we need to have in there. Okay, Gisella.

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*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.*

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Gisella Gruber: The meeting will end at 12 pm sharp; there's a press conference afterwards in this room. Thank you.

Olivier Crépin-Leblond: Thank you very much Gisella, and thanks for this to be marked on the full schedule; it's always helpful to have things that don't appear on there. Sorry, I just felt like throwing an arrow in this direction. Right, I think we should start with the first part, substantive issues – objection to the IOC/Red Cross exemptions, so I open the floor to whom wishes to start on this.

Robin Gross: If I can, because this is an issue that I know our stakeholder group has been very concerned with, and actually I was kind of hoping that Konstantinos who's been on this drafting team in this working group and is really having to do a lot of the explaining about this issue and keeping us all kind of up to date, if you could maybe give us a quick update on what's happening in the drafting team on this issue and your recommendations.

Konstantinos Komaitis: Yes. Hello everybody this is Konstantinos. Very quickly because I'm sure that most of you if not all of you know so far where the discussions are, I know that Alan is in the group so I'm sure he as updated ALAC. This morning at 7:30 am, the drafting team met in order to finalize the motion that will be presented to the GNSO in order to vote on this very issue on Wednesday. There were some additions to the recommendations, the most notable one has been the fact that because these recommendations might actually have policy implications for the GNSO, it is important to review these recommendations.

The main source of the debate this morning has focused on recommendation number two, which were the languages that the terms for the Olympic and the Red Cross would be protected. We were informed that the International Olympic

Committee is seeking protection to 50 languages that are the signatories of the Nairobi treaty, and they want also to extend it to 16 more to cover some IDNs. And more controversially, the Red Cross is seeking protection to something like 196 languages. One of the main issues, as you know, the letter that was sent by the GAC said that these two organizations deserve special protection because they are protected by international law and national laws.

So the main source of the debate has been whether there needs to be an “and” or an “or” between international law and national laws and we still haven’t come to an agreement with that. Jeff is going to circulate the final version of the motion to all of the drafting team members so they can share that with their respective stakeholder groups and constituencies. So that’s where we are right now, and it look as if the group, the drafting team, some members of the drafting team, because of the potential implications, especially in relation to international law that these recommendations might have, they might be seeking for review of these recommendations to happen. Thank you.

Oh, and just to, sorry, just to say something else. These are only for the top level. Okay, thanks.

Olivier Crépin-Leblond:

Thank you very much Konstantinos. And just one thing I forgot to add at the beginning was to say your name before you speak for the interpreters of course, and for the transcript, so we actually attribute statements rather than having “someone said” and “someone said that.” I see that Alan has put his hand up so Alan, you have the floor.

Alan Greenberg:

A couple of more things. In the GNSO/Board meeting yesterday, the question was explicitly asked of the Chair of the Board or of the Board and the Chair answered “If the GNSO passes a resolution this week will you approve it,” and he went into some detail that ICANN has to stop acting on everything in a rush, rush manner and the answer is “No, they will not.” That does not preclude that

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they meet on Saturday or next Tuesday and pass it, but clearly the timeframe to have these particular changes apply to the first round, as curious as that might be, is a little bit more tenuous than it was before.

I unfortunately, do to a miscommunication, missed the meeting. One of the changes I had suggested was if this recommendation is not adopted by the Board for the first round, that it essentially be null and void and we start from scratch. If we're going to have to do something for round two, we have years to do it, let's do it properly and not on the back of an envelope. I don't know if that got into the resolution or not. Konstantinos, do you know?

Konstantinos Komaitis:

I'm not sure. I don't think so.

Alan Greenberg:

And I haven't seen it yet so I'm not sure either. My hope is that it is, because that means that if either the GNSO doesn't approve this resolution on Wednesday, or the Board chooses not to act on it with relation to the first round, these discussions have all been very interesting and are moot and we start from scratch. Of course, factoring in at that point all of the requests that have come from other IGOs and who knows what else will be on the table before we finish. But at this point, I think almost the best thing that could happen is "this was an interesting discussion that is moot and doesn't matter," but we'll see what happens.

Olivier Crépin-Leblond:

Thank you Alan. Well we can announce, and I've actually just put it into the chat, the ALAC has also been working on a draft statement regarding this matter and I wonder whether I could just call upon Evan to take us through this, because I wasn't quite sure whether anybody in NCSG was aware of that.

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Evan Leibovitch: Okay.

Olivier Crépin-Leblond: So I'll let Evan take us through it.

Evan Leibovitch: So Robin, has the NCSG been given the length of the statement? I mean it would take up a lot of time to read it out or whatever. But ALAC shares the concern. There's a significant concern about precedent in having the Board getting involved in giving special exemption to certain names. I believe somebody sent out on the NCSG list this morning that the big content providers are now starting to ask for anti-piracy protections in TLDs for entertainment related TLDs, and it's sort of where does it stop.

The doors have been opened to giving exemptions for specific uses for certain kinds of TLDs and so I guess people have seen this and have clamped onto it, and it's sort of where does it stop. So there's a big concern, I believe, within At-Large that this is setting a very bad precedent, it's setting a certain amount of micro-management over a process that's already been very hard fought. And so the statement that you see sort of reflects our concern about that, and perhaps going even a little bit beyond the GNSO remit about the concerns about this even at the cc level as well.

So because we've got a mandate and a remit that goes beyond just generics, we've got a concern about this within the entire DNS and this is very serious to us.

Robin Gross: Klaus, did you have your hand up?

Klaus Stoll: Klaus Stoll, NPOC. I just would like to let you know that the NPOC constituency two days ago had a meeting to come up with some kind of new

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wording and phrasing, which basically gives us a way out of specific organizations to a more generic solution. And we came up with a one-sentence phrase which I just would like to share with you. “Any organization/operation operating globally in the public interest and enjoying international legal personality in the country where its headquarters are located and its members.”

Basically what’s behind this phrase is what we’re trying to do is have a very, very small limited numbers of organizations, international organizations like the Red Cross, involved. Basically it look like as far as we are informed, I might be misinformed, it’s basically the UN organizations plus eight or nine other organizations. But the main drift, it’s not important what the phrase is, what’s important is to get it away from specific organizations to a more general and generic, maybe generic is the wrong word, level. That’s all. Thank you very much.

Olivier Crépin-Leblond:

Okay, just a small thing. First, make sure that you can turn your microphones off when you finish speaking because the sound system is pretty awful from this far away. And the other thing, to speak quite slowly for the interpreters, because they are struggling sometimes at the speed at which we go through. Thank you, Klaus.

Evan Leibovitch:

Just a note that I have just emailed the link to the ALAC statement to the NCSG mailing list.

Olivier Crépin-Leblond:

And the link is also on the page at the moment on the ICANN Las Americas room, so you can click on that and you can see the statement itself.

Robin Gross:

Yeah, this is Robin Gross. I actually have a question for Alan, something that you said a few minutes ago, maybe you could give me some clarification on. The Board statement yesterday that they may not act on a GNSO resolution, is that right? Because what I've been hearing is "We've got to do this. We've got to do this. We've got to do this this week because we have to meet the deadlines for the TLD applications," like that's the driving force, the primary issue. And maybe I didn't hear you correctly, but it sounds like what you said is maybe the Board is not necessarily going to take this into account, or they may or they may not. It just seems like it's not such a pressing or immediate thing for them, but maybe I misunderstood what you said.

Alan Greenberg:

They said they would; Steve Crocker said very clearly that they would not add it to the agenda for this Friday's meeting. He also said that the Board understands that the community cannot wait forever on all sorts of things, and they are trying to get into a mode, or he believes they are now in a mode where they can hold topic specific meetings on short term notice and respond to needs, so everything shouldn't have to wait for the next ICANN meeting or the next Board meeting scheduled four months from now, as things have in the past.

So he said they will not act on it at Friday's meeting, on the scheduled public Friday meeting. That does not preclude that they may not act on it in time to meet the termination deadline. And there are those of us who feel, not agreed by everyone, that the changes recommended, given that the Board did something which many of us strongly disagree with and then staff implemented it in a way which is hard to understand, if it's going to stand for this round as it will, because there's no belief that we're going to change that, that it should be done properly.

If it's not going to be done – but the resolution was framed from the drafting team in light of we must fix it so it's done properly since they're doing it anyway. If they're not going to pass it in time for this round, then there's a strong belief among some of us that we need to go back to the drafting table and

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go start from scratch. (Inaudible), the Board thankfully only approved it the first round and we have a clean slate and a few years in which to, I don't know how, come to a conclusion.

Robin Gross: Milton?

Milton Mueller: Pardon me for being confused about the process. Are you going to vote this thing up or down?

Alan Greenberg: I don't know. That's the GNSO.

Milton Mueller: How are you going to vote?

Alan Greenberg: I don't have a vote.

Milton Mueller: You don't have a vote? Okay, so how are the NCSG people voting and do you have the votes to vote it down or will it pass?

[background conversation]

Robin Gross: Wendy?

Wendy Seltzer: From what we can currently see on GNSO council, this is Wendy Seltzer one of the GNSO councilors, and from current alignments it looks as though there are

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the votes to pass it. Options on the table include requesting deferral or seeking to amend it in ways that would be more friendly to our interest. And so rather than simply casting votes against into the wind, we are looking for ways to amend it to add greater safeguards and greater precautions that this is a one-time event and we expect greater cooperation on requests like this in the future.

Olivier Crépin-Leblond:

Avri?

Avri Doria:

Yeah, I'd like to reiterate a request I made to the NCSG specifically that indeed they do defer this. They have several good reasons for deferring this from one does not vote on something before a comment period has ended, to, one does not change an open guidebook without restarting the clock on the applications period. I've suggested that if they're going to offer amendments that that is one they might offer. I think also that it's important to reiterate that this has nothing to do with protecting the IOC or the Red Cross at the top level.

The Board was gracious enough; whatever we think of the lack of process there, the Board was gracious enough to protect the Red Cross and the IOC with iron clad protection that no one, absolutely no one in this round can register for those names, so they are protected. Anything else is unprotecting them in some way. It's giving them license to do other things.

It's a complicated, and I think that I very much support the idea that came up from NPOC, and I guess it was Portugal, that if we are going to talk about increasing the number of reserve names, that's a wider policy development process discussion that everybody's got to be included in and that it has to be done right. But at the moment they are protected, so defer it. Do not send them a broken set of recommendations that only make a bad situation much, much worse.

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Olivier Crépin-Leblond: I can see approval around parts of the table at least. Evan?

Evan Leibovitch: I'm not going to speak in disapproval so much as to figure out what we can do with this meeting. This is not an internal thing about figuring out what the NCSG is going to be; it's about what we can all do together. Is there anything that ALAC or At-Large can help in what you're trying to do and is there anything in our statement that you have an issue with? I mean we're here to try and figure out what we can do together and I'm hoping we can direct this meeting in that direction.

Robin Gross: Well I think one thing that we could do, or two things actually that we could do, is perhaps we could do some kind of a joint statement where the issues, the specific concerns that we share, we can combine and both agree to; that's' one possibility. And it seems like we're on the same page on a lot of these issues, and so that I think is pretty doable. And another thing that I think would be really helpful is for members of At-Large to take the floor in the public forum when the GNSO Council has their open meeting this week and they'll be debating this issue.

I think it would be really helpful to hear from community members on how they feel about this issue, because there hasn't been, this really just came up in the last few months and there hasn't been, until recently, wide input and discussion and viewpoints from the community.

So members of At-Large taking the floor before the council, before the public forum expressing views on this issue would be enormously helpful because you know the Olympic Committee and the Red Cross are here in full force with their lawyers and they'll be taking the floor and discussing these issues as well.

Olivier Crépin-Leblond: Okay we have a queue that is actually Alan first and then Bill.

Alan Greenberg:

I'm going to disagree a little bit, and I would suggest that we go onto other topics if we have them. Regardless of what happens with the resolution in the GNSO, regardless of whether the Board approves it or not, we have the request from the IGOs, we're going to have other things coming in; this whole process is going to go to a real full blown policy discussion after this round. Regardless of the details of how it is implemented in this round, whether the current rules stand or the GNSO motion passes and the Board deigns to agree with it, there's absolutely no choice in my mind, because of the IGO request, because of other things that are being discussed, we are going to go to a full blown discussion for any further rounds. And I think it's moot what happens at this point and I think if we have other substantive things to talk about in this meeting, we should be talking about it.

Robin Gross:

Well – I'm sorry, go ahead.

Olivier Crépin-Leblond:

Bill?

Bill Drake:

Thank you, this is Bill Drake. I guess I would disagree a little bit Alan, I mean I certainly do think there will be a broader discussion, and there has to be. And frankly, the responses of a lot of people on the council when we've raised over and over and over "Hey you've already had 24 inter-governmental organizations come to you looking for a policy" and they kind of put their heads in the sand and say "Well we can always tell them no later." It's not so easy. If we sort of like start down this road, the governments don't mess around with this stuff. And International Monetary Fund, World Trade Organization; these are serious bodies.

They will have serious political oomph behind them irrespective of what they're saying in the GAC right now about it with their "Oh don't worry. We're not asking for that yet"; there's going to be a big push for this, we are going to have

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deal with this, so I certainly agree with you on that. At the same time I don't think it's irrelevant what we do now. Because I think that quite frankly the Board mishandled this so badly and rewarded a pattern on lobbying, which completely subverted all of the bottom-up policy processes.

We're supposed to work in a way, as a community, where people bring things through the appropriate mechanism, start it through with their colleagues and then percolate it up. That isn't how any of this worked. This was all straight to the GAC, straight to the Board, direct pressure and the Board, just subverting all nominal rules. I don't think we should reward that in any way, shape, or form.

I think on principle it's best to say "No" irrespective and frankly, back to the point that Robin was making, if ALAC people could show up in force and speak up during the GNSO open meeting, you know, the discussions in the council have been quite insular I'm sorry to say. If you'd been locked in the same room as me for the past few days, the discussions that people have been hearing from the council, from the different business stakeholder groups, it's like an echo chamber of kind of real insider cautious, we have to work with the governments in this way and da, da, da.

They're not hearing anybody from the outside making counter cases. But there are some people in that group who have made comments over the past couple of days where you could see that perhaps they were movable. Where they were like you know "Oh my God, this is such a mess. Maybe the best thing would be to just vote it down and be done with it," you know. So it may be that if they're given enough inspiration to feel that there's a sense in the community that we're really going down the wrong path here.

And anyway they are protected for now and anyway we will have to have a broader discussion. Maybe you might put some stiffness into some spines. I would really urge people to come and one after another get up, and if you feel that way, make the case in the open forum. It may influence votes, it really may.

Robin Gross:

I sort of want to disagree with what Alan said about “It doesn’t matter. It’s going to pass” because I feel like it really does matter. I think this is an important precedent setting moment. And how we as a community respond to that, whether or not we reward that or stand on principle and say “We have a bottom-up process here. We have community participation that hasn’t been taken into account. We realize that the other IGOs are going to come running in full force with their hands out saying ‘Well you gave it to them, why don’t you give it to us. We’re just as good. We do just as good work too. And I can site all these laws that give me rights so you should give it to us too.’”

I mean talk about a can of worms being opened that we don’t want; ICANN doesn’t want. I think perhaps many of the, some of the Board members and the staff members have no realized what they did when they just kind of stuck that in there at the last minute and are perhaps having second thoughts. And I think we need to substantiate those second thoughts. We need to show that yeah this isn’t a done deal. This isn’t something that the community is all behind; there’s a lot of concern about the precedent that this sets. There’s a lot of concern about the lack of process and what will happen the next time these requests come along.

They’ll say “Well we did it with the Red Cross and the IOPC; we just stuck something in the guidebook without a proper process, so we can do it again and again and again,” and I think we have to take a very firm line on this and recognize what this means for ICANNs legitimacy as a bottom-up policy development process and try to really protect that, the multi-stakeholder, bottom-up process. Thank you.

Olivier Crépin-Leblond:

Thank you Robin. I actually have Evan first and then, oh goodness there’s a lot of people. We’re going to have to close the queue because I think we’re spending a bit too much time on this issue. But Evan you’ve got 30 seconds, Alan you’ve got a minute and Mary you’ve got more than that because you have

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not spoken before, so you'll have a little bit more you can say. Okay, I'm trying to be a bit fair here. So, Evan?

Evan Leibovitch:

I'll try and keep my comment within 160 characters. Just a small point that the drafting team is aware of the ALAC statement in regards to being in a bubble. Jeff has in fact engaged the ALAC mailing list letting us know he's aware of it. And so, the Chair of the drafting team is aware that ALAC is about to express its opposition to it.

Olivier Crépin-Leblond:

Thank you. Alan?

Alan Greenberg:

I'm not disagreeing with anything that Robin – why doesn't it like me? I'm not disagreeing with anything that Robin is saying; I agree completely. I get closer to it, that's when it started making noise? Okay, I'll try again. I'm not disagreeing at all; I agree. I'm just asking is this where we want to put a lot of effort right now? As a point of information, the Board has forwarded to the GAC and the GNSO the IGO letter saying "What should we do about it." There is going to be substantive major discussion. That's the time I think we really need to put all of our forces and all of our soldiers in and participate in that discussion, because that's where we're going to have to address this for any future rounds. And I'm just being pragmatic of how much effort is it worth right now, given that that next discussion will inevitably happen. Thank you.

Olivier Crépin-Leblond:

But Alan, it's Olivier here for the transcript. There's nothing wrong in expressing early warning that we don't like this.

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Alan Greenberg: Remember I was saying mostly that we only have an hour in this meeting, let's use it productively.

Olivier Crépin-Leblond: Okay, thank you Alan. Mary?

Mary Wong: Thanks Olivier. I just want to follow up on Bill's and Evan's point. I do support and encourage members of the ALAC and NCSG at the GNSO meeting on Wednesday to do exactly what has been described. It will be very, very useful. What I don't think it will do is change votes, because all the councilors will have decided within their constituencies and SG's how to vote by tomorrow. So I do think that we should do that in the public meeting, but it will be for a different purpose. It will be to underline the extent of the opposition. The fact that it is not just GNSO, it is ALAC speaking with one voice.

Then with respect to the ALAC statement, I'm glad it's going out. I would like to say it is not enough that the drafting team is aware of it. I would say, and I would request respectfully of the ALAC, to make sure that that is sent and circulated to all the constituencies and stakeholder groups directly as well.

Olivier Crépin-Leblond: Okay, thank you Mary. I think the time is running a bit fast for us. What I suggest it to just take down two Action Items. I haven't seen anybody being against any ALAC members going to the GNSO meeting and voicing their disapproval; perhaps not on force with 100 people, but perhaps a few of them standing to the microphone and basically saying "We give you an early advance warning that we think there is a problem here; there's a procedural problem and there is a substantive problem here." So that would be first Action Item and I hope that, you got this Matt? Thank you. Oh, so it's Heidi, thanks Heidi.

And the second one, which I've just discussed with Robin, with regards to the ALAC statement that's on the Wiki at the moment, what we would do is to

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invite NCSG members to read through the statement, perhaps provide some input using the comment possibility underneath, and perhaps with a view of endorsing it if that is something that the NCSG would find consensus on. Robin are we okay on this? Excellent, so let's move on to the next part, which is ensuring SOPA and ACTA gets on ICANNs radar.

I thought I'd do a small introduction on this. I've actually discussed this in the SO and AC Chairs discussion with the CEO on Friday afternoon and I've put it on the table and basically said "Look, we really need to do something about this because it's going to affect ICANN." It is affecting it and just putting our head in the sand like an ostrich is not going to make it go away and it's bound to get worse. We've seen that the first proposals have somehow withered, but there will be other ACTA's, other SOPA's, other whatever it is.

So my proposal was to actually have a general session with all SO's and AC's in Prague that would address this. So that's the salvo, I open the floor now for discussion. Jean-Jacques Subrenat, and then we'll have Wendy.

Jean-Jacques Subrenat:

Thank you, Jean-Jacques Subrenat. I'm going to speak in French. ...we must therefore have a political approach to this problem and this forces us to take a look at the political calendar, particularly for the United States of America but also for other states, depending on their coming elections, etc. So as regards to the United States, this is clearly an election year or pre-election year and so I think we must strive to intensify our efforts as the elections come closer. But even more importantly maybe, to support this immediately afterwards because it's the time for a new executive team and to constitute this, whether it is in Washington or elsewhere. And it is there that would decide on the orientations. Because when the Parliament has been elected and they have a bit more freedom as regards to their mindsets, in order to vote for or against a law. And so only know I think we should be aware of our calendar constraints and the constraints that political times present.

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Olivier Crépin-Leblond: Thank you Jean Jacques. And now we have Wendy Seltzer.

Wendy Seltzer: Thanks Wendy Seltzer. I have been following and deeply involved in the fight against SOPA and PIPA in the United States, and so it's from that perspective that I wonder how you think that ICANN as an entity should be involved as distinct from lots of the constituent parts of ICANN and it's members of constituencies and stakeholder groups and advisory committees as members certainly have a role to play in opposing internet censorship and measures that would break the internet infrastructure. What should ICANN as the multi-stakeholder body that it is be doing here?

Olivier Crépin-Leblond: Thank you very much Wendy. And as ICANN, well my own view is that ICANN is a multi-stakeholder, bottom-up model this is what we're going to have to work out. What should ICANN do? And this is what this session should be aiming at doing. Salanieta?

Salanieta Tamanikawaiwaimaro: Salanieta Tamanikawaiwaimaro for the record. I concur with you Olivier in terms of it's critical that there's a bottom-up approach to the matter. And in relation to comments made by Wendy earlier, I would say that in terms of the issue that ICANN faces, I think the biggest issue would be the extra-territorial jurisdictional implications that something like SOPA or PIPA would actually subject to the global community. And why I say this is because you see the Europeans, how the European Court of Justice for instance, and how they tend to hold matters of privacy or freedom of expression over intellectual property. And on the other hand, you have trends in the United States Courts and that sort of thing.

And because even in terms of – because of the way the internet architecture and even the ecosystem and with all the TLDs and that sort of thing, the architecture is structured and constructed and just the complexity of it, it poses us as a

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community to step back; take two steps back and to actually reflect on what are the implications. And I know that people within the various constituencies who are already raising issues, whether or not directly related to PIPA and SOPA, but on the matter itself, on jurisdiction. And so I think that – sorry, I’m speaking too fast for the interpreters, pardon. So I think it’s something that really should be addressed. Thank you Olivier.

Robin Gross:

Thank you. This is Robin Gross. I wanted to respond to question and that we hear often is “What does ICANN have to do with SOPA and PIPA and ACTA and these other national or international laws.” Well I think the answer to that, for one thing, is that ICANN is charged with, or says it’s charged with the security and stability of the internet. And if we take that care seriously then when there are measures that are proposed that we believe will break the internet, will break the DNS system, I think it’s incumbent upon us to say so and to get involved.

There was papers by Steve Crocker and Paul Vixie and other internet engineers who explained how this will break the internet, how these kinds of proposals will harm the DNS system. So I think that is one of the reasons why ICANN should be concerned about these issues – the impact on the DNS and the security and the stability of the internet. And I also think that we see just about every ICANN meeting the staff organizes a session on DNS abuse. And each session is basically a parade of law enforcement agencies getting up with their parade of horrors on why we need more control of the DNS architecture.

And there’s never really the other side put forward and here are actual measures that have been, proposals that have been created to address this concern, to address DNS abuse specifically. So it would seem that since we have discussions at every meeting on “We got to deal with DNS abuse” that maybe we should discuss some of the proposals that have come forward from – it doesn’t really matter from where, but if it’s a viable proposal on the table that’s

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going to impact the security and stability of the internet, I think it's worth ICANN taking a look at. Thanks.

Olivier Crépin-Leblond:

Thank you Robin. I've got Bill Drake and then Mary Wong at the end. And Wolfgang, and then we'll close the queue because we need to touch on the next point. Bill?

Bill Drake:

Bill Drake. I'm certainly all for doing this, it may be a bit of a hard sell with ICANN leadership which often tends not to want to get into political kind of charged issues that can be construed as being somewhat outside of their remit. So it would take a certain amount of real push and concerted effort to convince them that this is something that really merits attention in ICANN space, but I think it's certainly something that everybody in NCSG feels very strongly about and talks about all the time, so a joint initiative on this would be good.

I would go beyond ICANN though. I think many of us also participate in the Internet Governance Forum, I have pushed, as did Avri in the planning group of the working group of the MAG to have this topic as one that could also be taken up as a main session topic in Baku when we got a lot of pushback from some of the corporate people who tried to several times to take it off the agenda and not recognize that we made the suggestion, but ultimately it is there.

And I think that there's plenty of opportunities through the IGF process for people to weigh in and say "This is an important topic that we think merits discussion in a larger forum," and you could do it both in main session and in workshops. And the point is that the ICANN people, the ICANN leadership shows up at these meetings and it does have a certain amount of impact and draws them in.

So I think working both inside and outside the institution to try to say that we do take this seriously and want a non-vague response is the way to approach this.

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Olivier Crépin-Leblond: Thank you Bill. I'm afraid I can't take anymore in the queue. We've got Mary Wong and then Wolfgang Kleinwächter and we'll close after that. Mary?

Mary Wong: Thanks Olivier, sorry I cut you off. I'd like to make a very concrete suggestion for members here to consider, it maybe something to work on. From talking to people on Capitol Hill about SOPA and PIPA, the view among some of the proponents, and I can't say all I don't talk to all of them is that, "Well the DNS issues are now off the table because the language has been changed." So that's one sort of conceptual perception we have to deal with.

But specifically, one of the questions that I've been asked is, "So how do we fix the DNSSEC problem, if there is a problem." And the claim is that they haven't heard from ICANN or anyone how to fix that problem. If we can answer that kind of specific issues, I think that would be very, very helpful to the cause. I didn't mean tell them how to fix it, but explain some of the more specific problems in a way that they can better understand. If ICANN can come up with a way to fix the DNSSEC problem we may have a totally different discussion. But what I'm saying is that those are the questions that are being asked now and those are the perceptions.

Olivier Crépin-Leblond: Thank you Mary. Next is Wolfgang Kleinwächter.

Wolfgang Kleinwächter: Yeah, this is Wolfgang Kleinwächter from NCUC. The issue is certainly linked to the human rights dimension. Yesterday in the joint meeting between the GNSO and the GAC, Joy introduced a subject as an important one for ICANN. And it was very clear that we do not propose that ICANN becomes human rights body, but it has to check all what ICANN is doing whether this is a human rights dimension. And a lot of things ICANN is doing affects more or less individual

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human rights. And while ICANN should not try to fix human rights, they should be aware that existing human rights is affected by actions they are doing.

And going from intellectual property to security, this has indeed human rights implications. And I think this is really probably a new way where in particular the interest of individual users of civil society and so on can be more raised and we have more awareness that the technical or security decisions which are done by ICANN has to respect a number of existing human rights. And you know with this new avenue, which yesterday got a lot of support from (inaudible ). It is a new opportunity and probably this will also give us new opportunities for cooperation among various constituencies in ICANN to push more for this human rights dimension of the DNS.

Olivier Crépin-Leblond:

Thank you Wolfgang. We are running out of time and I'm told that there is a press call right after this meeting in this room and we can't mess about with that. So, what I suggest on this specific point, and I've just discussed it with Robin next to me, there is actually a ccNSO Internal Government Control session taking place between 14:00 and 15:25 in room Bougainville on Tuesday the 13<sup>th</sup> or March, so that's tomorrow. That is a first step basically and several At-Large members, in fact I hope that all of us will be able to make it there. I've heard that it might be difficult for NCSG members, but perhaps a few designated ambassadors might wish to make their way there.

That's a first step. The next step is perhaps to use our liaisons to coordinate a concerted push to have a session on ACTA, PIPA, SOPA, etc in the next meeting that we'll have over in Prague. And we'll have to start this right after the end of the ICANN meeting here in Costa Rica. Are we okay with this?

Robin Gross:

Yeah, I think that's a great idea and I think it's really important that we make sure that the session in Prague is community organized, not staff organized and I

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think it would be a great way to really bring the discussion to ICANN in Prague. Thanks.

Olivier Crépin-Leblond:

Okay. Well thanks very much Robin and thanks to all of you for having come here. We've only got two minutes until we vacate the room; I suggest we might do it pretty soon. Thanks for the meeting. We ran out of time again, but of course this is ongoing. I guess this means we'll meet in Prague as well and follow up on what we have on our agenda. And there are plenty more issues that we can work on together, because certainly I firmly believe we can join forces. So thank you and this session is now closed.

Robin Gross:

Thanks, Olivier.

[End of Transcript]