
[background conversation]

Beau Brendler: Okay, it's one minute after the hour so let's get started. We have our remote connections; we have Joly, we have Gordon Chilcott. We have anyone else? Well, we'll find out at roll call. Yeah, Gareth's on and Allan Skuce is on, okay.

Okay, so as I was saying over the last couple of meetings, or at least the last meeting that we had, I wanted this meeting here...

[background conversation]

Beau Brendler: Yeah, we're going to do that, don't worry. We're going to be a little less structured in this meeting in the sense that normally we stick to a very fixed agenda but I wanted this meeting to be about what's going on here in Dakar so that the people who were joining us remotely can feel like they have a connection to what's happening and can ask us in real time questions they may have about various goings on and such, so that they can be answered here while they're happening.

So first let's do a roll call, and then after that we'll go around the room and there's a couple unfamiliar faces here to me, so I'd like

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to figure out who's in the room. Could we go through the roll call please? Yeah.

Matt Ashtiani: We have Beau Brendler, Darlene Thompson, Evan Leibovitch, Samantha Eisner from staff, Charles Mok, Glenn Riker, Garth Bruen, Ganesh Kumar, Eduardo Diaz, Dev Anand Teelucksingh, Carlton Samuels, and myself, Matt Ashtiani from staff.

Beau Brendler: Okay, and can we go around through the room here and ask who... My guess is, I think that person's just using the internet here which is fine. I don't think she's participating. You are? You just want to use the internet, no problem. We'd give you coffee but they ran out I think out there.

[background conversation]

Beau Brendler: Yeah, we encourage internet use whenever possible I think. Can you...

Karina Cortes: My name is Karina Cortes. I work for the .pr ccTLD.

Beau Brendler: Oh, okay. And...

Oscar: Oscar [Ayella] from .pr ccTLD.

Matt Ashtiani: Can I ask you to speak into the microphone so our remote participants can hear you?

Oscar: Oscar [Ayella] from .pr ccTLD.

Karina Cortes: And my name is Karina Cortes, also from the .pr ccTLD.

Beau Brendler: And for the record...

[background conversation]

Beau Brendler: Oh, okay, that's fine. Alright, don't worry about it then. So in terms of policy issues, let's try to do something a little less formulated and live. We have Evan Leibovitch, our esteemed elected ALAC representative. We also now have the presence of Olivier Crépin-Leblond who is the Chairman. Would you like to

just give us a little jazzy and snappy policy update live from the venue?

Evan Leibovitch:

You said “jazz,” oh good! (phone rings) Oh, I like that. That’s more techno I think. Okay, hello everybody. This is Evan Leibovitch. A good chunk of what this week is to At-Large is seeing a couple of things happen. For instance, we’re finding out more about what is available to us in terms of... We’re getting a bit more comfortable with the ICANN new personnel involved in Finance, just feeling our way through about where things stand for us.

But the big issue for is this week has been about the Joint Applicant Support Working Group that is trying to bring support for TLD applications from developing countries. This has been the end result of an awful lot of work by an awful lot of people from NARALO and elsewhere in At-Large, together with members of the GNSO and together with support from the Government Advisory Committee in what I believe to be an unprecedented amount of joint community support on this.

This morning there was a session held even before the Welcoming Ceremony that was attended by myself and a number of people here that was giving a workshop on the JAS progress. It was attended very well by members of the community and especially members of the Board because it’s our hope that the Board is going to take a vote on applicant support; and there’s a very specific

report come out from this Committee with very specific recommendations, including the lowering of the ICANN entry fee for gTLDs from \$185,000 to \$47,000 for qualified applicants. The intention, though, is to have the bar set relatively high so that there has to be proof of social benefit, proof of financial need and a number of other criteria that have to be met before that can be levied, before an applicant can be qualified for this kind of support.

But the community's been very strong about trying to extend that, so part of what we've been trying to do this week is to make sure that the community, the ICANN Board and anyone else coming understands the community support of this concept. It's been important to At-Large ever since the Summit in Mexico City, and so we hope to see it through this week.

Another thing that I'll put in a personal plug for is something called the Future Challenges Working Group which is going to kick off this week. And it's our intention to try and through this Working Group basically take At-Large and ALAC into the next level of maturity in going from simply reacting in policy public comment periods and things like that, and always running after the agendas of other constituencies; and starting to set the agenda for ourselves.

I invite anybody who's in Dakar to come to our meeting on Thursday and I hope to see you there. Those are the two main things. Of course we have meetings with the Board, we have meetings with the Non-Commercial Stakeholders Group; we have meetings with the Government Advisory Committee with which

we're having an increasingly improving relationship, as well as trying to make contacts throughout the community and essentially further solidify in the maturing of At-Large and its role within ICANN's political structure.

Does anybody have any questions? Is Olivier still here? Oh, Olivier, did you want to add anything to that?

Olivier Crépin-Leblond: No thank you, Evan, that's fine. You've done a very good job.

Beau Brendler: Do we have any questions from the remote participants on that? I can't see them from here so somebody will have to tell me. It looks like Joly has one... Oh, there are no questions, okay.

Next, in terms of action items one of the major action items from our last meeting was what we just did in the previous hour, which was to talk about the NARALO survey. I won't go back through that again because I think just about everybody who was in that meeting is still in this meeting and you can ask me if you have any questions. So that action item has been moved on.

Does Joly or Alan or Glenn, do you want to give us any comments or any updates on the video project? Is Joly on the phone or is he just on chat?

[background conversation]

Beau Brendler: His sound is not working, okay. And Glenn McKnight is not on, is that right? No, okay. I can't really give an update on the video project because I'm not aware of where that is beyond what we've already discussed, so we'll move past that. And that kind of combines what we've been talking about in terms of priorities for the coming months.

Anybody have any other questions before I move ahead? Okay. Oh, question.

Darlene Thompson: Joly just commented online that people should be ready to be interviewed by Glenn when he does get here, and I think Glenn has Wednesday set up for doing interviews for the video project.

Beau Brendler: Thank you, that's helpful. Yeah, he also had hoped to be here for the survey discussion as well but since he's with the NomCom, those folks don't arrive until later in the week.

Okay, so let's move on then to other stuff. Now, I'm not exactly sure how to proceed with this item because there have been some developments. Let me ask the ALAC Chair: Olivier, which would be more appropriate? We're basically on the very last item of the Agenda A: would it be more appropriate for me to characterize what was discussed this morning, or would it be more appropriate for you to characterize it as you perceive; or should we just go

chronologically from how this developed to be an agenda item for us? What do you think is more appropriate, or perhaps there's another option.

Olivier Crépin-Leblond: Thank you very much, Beau – Olivier Crépin-Leblond for the transcript record. I think that it's really up to you as to which way you wish to go forward as Chair of NARALO. I'm not quite sure whether you need to go into details. It really is a case of, let me see....a tricky issue with regards to registrar/registry transfer policy. That does happen and there are processes currently in ICANN that deal with this sort of work, specifically the ccNSO.

And so I think that discussing transfer policies as such and perhaps discussing possible input via our ccNSO liaison is something that you might wish to discuss at a NARALO level and then passing it over to the ALAC to pass on over to the ccNSO liaison, who is actually also on the Framework of Interpretation Working Group that deals specifically with these sorts of items.

Beau Brendler: Okay, well let me ask this then: since a couple of other folks did the heavy lifting on the researching of the draft statement on .pr but I am the one who's responsible for headlining it and writing it and distributing it, and asking the ICANN staff to put a session on the agenda to discuss it – which got overridden by the President of Senegal. It's come to my attention actually that we have some people here from .pr.

I'm wondering if it would be agreeable to perhaps open a dialog and see if there's a way that we can engage in a discussion that perhaps gave a side of their story that's not currently represented in the ongoing lawsuit. Is that something that can be done without causing a lot of legal problems? I mean I don't necessarily know that there would be any legal problems because I don't think that anybody can validly sue NARALO – it doesn't have an MOU with ICANN.

So do we want to do that? It might be profitable or good for communication. Yes?

Olivier Crépin-Leblond:

Thank you, Beau - Olivier Crépin-Leblond for the record. I think you can ask the question. If it is the wish for this specific subject to be discussed, you can definitely discuss things. But I would say that presenting the statement for a vote or for anything to do with actually pushing the statement through one way or another through NARALO is your own choice.

What I would say though is from the information that I do get I think that this statement is not very balanced, and I would say that as far as ALAC is concerned, because there is a working group that is in place in the ccNSO treating transfer of details from one registry to another, there's nothing that the ALAC would push forward at all – just to make it clear.

Beau Brendler: Yes, I was not suggesting that we do anything with that statement but I was just wondering perhaps, for the benefit of better as you say balance, if Karina or Oscar might like to speak to the issue if that's appropriate. Did you want to speak?

Katrina Cortes: We have a prepared statement if you wish. We will not discuss the details of the case because we think it's inappropriate to disclose-

Female: To the microphone, please.

Katrina Cortes: At this moment we do not believe it is appropriate to discuss the details of the case since... It's not Oscar, it's Karina.

Beau Brendler: Yeah, we figured that out but just cause we have a transcript that people will read, so... It's a pain; I always forget myself.

Katrina Cortes: And especially we strongly believe that since what is being discussed has been taken from the allegations that the University of Puerto Rico has made, we believe we are not at a stage where a discussion should be made because they are only allegations. So maybe when the case comes to a result then maybe we will have a

varied discussion about it. That's all we have to say right now, thank you.

Beau Brendler: Thank you. Well, in the United States, actually, allegations made in a court paper are appropriate to discuss. We're no longer under the British legal system so they can be discussed as long as certain standards are met. Did you have something you wanted to add? I saw you waving, Olivier, rather concernedly. Go ahead.

Olivier Crépin-Leblond: Yes, thank you Beau - Olivier Crépin-Leblond for the transcript. Actually I think I see a lot of bewildered faces around of people who don't really know what the deal is. I will make a quick summary of what's going on.

Basically, you've put a statement, a proposed statement, a draft statement on the NARALO Wiki pages which has – and I'm not sure whether we have that proposed statement or draft statement somewhere – which appears to be showing a one-sided view of a court case I believe I guess from what I've heard here. So there's a court case in place and effectively I'm not quite sure whether it is appropriate to discuss a court case the way that it is actually presented this way, especially since the other party, the other viewpoint is not wishing, is not willing to go and discuss the case in any specific manner.

That said, it is not for the ALAC to tell NARALO what to do so it's in your hands. I've no question if any of my Vice-Chairs would like to add something, but...

Cheryl Langdon-Orr: Cheryl Langdon-Orr for the transcript record. Other than my absolute support for everything you've said? No. Thank you, Olivier.

Evan Leibovitch: This is Evan for the record. What I'm hoping to do with this is to see on an ongoing basis if there's some lessons learned on a more general basis. There's the FOI Committee that's going on that's trying to implement something better going forward – if there's loopholes, closing loopholes; if there's issues, deal with the issues.

One of the things that we can find out is to generalize this so that this is not based on any one particular cc to find out things that we've identified with all sorts of issues going forward and to perhaps put that forward into advice that can be given to the FOI effort and elsewhere into ICANN as necessary to try and take what we've found from this, learn from it, move forward and perhaps give something in the public interest into ICANN in exactly the manner that ALAC is mandated in the bylaws to do.

Beau Brendler: Thank you. Eduardo?

Eduardo Diaz: Eduardo Diaz for the record. I tend to agree with Evan that the FOI should look at this, especially on the UPR allegation that IANA was involved in this. So I think we should defer that to FOI and just make sure that as part of all the cases on the Framework of Interpretation they look at from the (inaudible) point of view.

Beau Brendler: Thank you. Oh, Olivier in response?

Olivier Crépin-Leblond: Thank you, Beau. Actually Cheryl, I put my hand just before you but I was going to actually send the floor over to you or suggest the floor be sent over to you, because I think many people don't know what the FOI is. So perhaps, since we happen to have the ccNSO liaison maybe she could explain what the FOI is?

Beau Brendler: Actually, before she starts what I would like to say is I didn't learn what the FOI was until this morning myself. So all of the toing and froing and all of that needs to proceed in light of the fact that proper communication about everything we're talking about is not happening at the regional level. Now you can talk.

Cheryl Langdon-Orr: And it is my pleasure, Cheryl Langdon-Orr for the transcript record and the NARALO list will show me sending the complete

information including the link to the cormorant Framework of Interpretation Work Group page when the discussion began on the NARALO list. So please look to your regional communications and find those archives. The moment this topic came up I pointed all of you to the ccNSO Work Group page.

Since then, however, and I will now put my happy, smiley face on, we happen to have the first interim report of the Framework of Interpretation Work Group out for public comment. Therefore, this is an ideal time for you, jointly or separately, as a regional group, as ALSes or as individuals, to comment on what is in the work we have done so far. And let me share with you what that is so far.

It is an extremely complex and very, very challenging issue to ascertain what is believed to be a word and understanding of what a meaning is, and what happens when you look at precedent. So we have sat at this stage and gone through all the uses of terms. Our comparison is to certain standards such as the GAC Advice from 2005, and we are proposing in this particular Work Group report a set of currently agreed under discussion interpretations of words and terminologies because without those being clear, the rest cannot follow.

It is the first step on quite a long journey but it is a journey which has the ccNSO community and the Government Advisory Committee within ICANN in lock step with each other, and that means that two groups who have absolute vested interest – significantly interested parties under any jurisdictional

identification, anybody would think these were *the* significant interested parties – will have at last agreed on what we mean by terminology.

So that is a good place for you to start looking at systemic, if you believe there has been any such systemic issue. It's very difficult to undo time. Jon Postel – thank you, my dear man – however has created us a whole lot of issues in country out of current country, who's in control of what territory. Australia has Herd Islands which the local internet community is literally penguins – no humans actually exist on the place.

I mean it's an absolute cornucopia of issues to be dealt with but they are being dealt with. It is being recognized and there is an appropriate pathway right now where you can have influence on future proofing what is going on. And with that I'd be happy to answer any questions, and I will log in and put the link to the FOI Work Group in your Adobe page so you have it for the record. And I'd certainly be happy to resend my original message to the list. Thank you, Mr. Chair.

Beau Brendler: The first hand I saw was Darlene unless there's any remote? Go ahead.

Darlene Thompson: My question is for Cheryl. Perhaps I'm particularly dense but I have no idea what a bunch of interpretations of terms has to do

with exactly what we're talking about on the .pr situation. I'm just not seeing the tie-in.

Beau Brendler: Carlton, go ahead.

Carlton Samuels: Thank you, Carlton Samuels for the record, just to say that I started following the issue when it first came out on the NARALO list and I just pulled it up here. And I saw the back and forth – it is true that Cheryl did send a note to the list that laid out what the discussions were in the ccNSO Working Group on the Framework for Interpretation..

The issue is this, and this as a back into it I happen to have some interest in it having been involved in several re-delegations in the Caribbean - .gy and Grenada, I worked extensively with those. There is a question that the terms that are used in the communications between the requestor and those who fulfill the requests may in fact be misleading to people who are not involved in the conversation. And so therefore, they thought that what they should do was to harmonize, to interpret and to – well, not just contextualize but certainly to get a list of terms that everyone could agree when they see them mean the same thing dealing with the re-delegation issue.

And so the Working Group... It is enough of a problem to tell you the truth that the Working Group was established, and one of the

first things that was required was to look at the terms that are used in the communication between request, requestor and those fulfilling the request on the IANA side on those. And sometimes re-delegation involves third parties because they are held in trust, and so the idea was – and I think it’s actually where you have to start – is to have everyone agreeing on terms that are used and what they mean, and that is a first set. And I absolutely support that; that makes sense to me.

With regard to the rationale for the focus from Cheryl as I read it when she posted it to the list, was that if you look at the complaint – because I read through the complaint, the pleading that is in the Federal Court, the Federal District Court – and you look at what is alleged; and then you look at the terminologies that are used in the re-delegation exercise, then the interpretation could be benign, could be considered benign. And that I believe was the issue she was pointing to as I read it – it was a cautionary note to say “Look at this stuff here in the Framework of Interpretation, because if you look at what has transpired in the use of these terms you might see that it doesn’t rise to the level that has been alleged.”

That was what I think the note was intended to drive, and I saw it. Thank you.

Cheryl Langdon-Orr:

Carlton, if I can now directly respond to Darlene...

Beau Brendler: If I could...

Cheryl Langdon-Orr: Hang on a second. I have not been clear enough by saying that this is terminology related to delegation and re-delegation. That is what I missed out saying and therefore with that added onto Carlton, I think that should be clear. Is that alright, Darlene?

Darlene Thompson: That made it much clearer, and I'm sure I wasn't the only one listening that had no idea why a set of definitions and we had no idea what they're about really had to do with this, so thank you.

Beau Brendler: Thanks. So let me propose this, then. We have 28 minutes. I'm all for forward progress through appropriate channels so let's just take the elephant out of the room and pretend for the moment that the NARALO never put together a draft statement or anything like that; if we can just pretend that and step back from the issue in that way.

Many other circumstances have occurred in which issues of concern related to ccTLDs have come up. And part of the discussion that was supposed to have taken place today, it was kind of a two-part discussion: the first part was supposed to be about getting a more complete picture of the issue in Puerto Rico and the second part was supposed to be about discussing some issues related to ccTLDs. And I'm hoping perhaps that Garth Bruen,

who's sitting at the end of the table there, just for the sake of our edification might like to give us some bits and pieces, some highlights from the presentation that he had originally prepared for today; but perhaps we can just sort of bracket out the things that we feel are less appropriate to discuss at the moment.

Garth Bruen:

Thank you, Beau. I've done some I guess significant research into the world of ccTLDs. I issued a report a couple years ago that I think you cited either in Sydney or Seoul that got some visceral reaction. I looked up some what I thought would be pertinent cases.

The first one I came across was for .mp, which is the Northern Mariana Islands which are a US territory. They have a non-voting representative in the US Congress, and their ccTLD is completely in the hands of a private company – it's not a non-profit and it's not a university. And there is a significant amount of cybersquatting going on there and nobody there answers the phone or responds to emails. So when we have a situation like that the way that some of these are assigned, and of course some of these were assigned a million years ago by Postel and undoing it can be difficult, but this is an example that is of concern.

And also bouncing around are some of the tiny depopulated or unpopulated islands. Cheryl had mentioned the Herd and MacDonald Islands; there's also Bouvet Island which is in the South Atlantic. And then there's Ascension Island which is a

volcano, and I think that there are actually a few more. There are some ccTLDs that actually don't have any assignment, anybody running them. They do sort of hover in the registry. I don't know if there are any plans to activate those.

There are ccTLDs like .su which is for Soviet Union, which as most people are aware the country no longer exists but it is still active. And it's unclear why. There are comparable cases in .yu which was for Yugoslavia, and when that country split each region, each new country got their own ccTLD and .yu was retired. And then of course we have East Germany which was .dm and that was retired when Germany was unified. Should I go on?

Beau Brendler:

Well, Evan wanted to make a comment but I also wanted to just ask a quick question from a consumer perspective end, since it seems to be of great difficulty for this community to define "consumer." It's been at least five years running now – I'm talking about issues related to fraud or abuse or whatever. In your opinion, do some of these – I don't want to use the term "questionable" – but do some of these potentially questionable islands with addresses present a risk for abuse? I mean you don't have to answer that now but I'm curious about it. And Evan, you wanted to ask a question?

Evan Leibovitch:

Not so much a question but a suggestion. Garth, you've collected a lot of data over the years. I mean essentially we could go over

the hundreds and hundreds of two-letter combinations that have been assigned to various countries, territories and other political entities, and literally make out a chart that says for each of them who are they nominally supposed to be for, who's operating them, who's the service provider that's operating them.

You have situations and this is not necessarily directly NARALO, but you have a lot of American and Canadian companies that may be buying in .co without even knowing that it's not a generic – that it's actually designated to the country of Columbia. But if you go to a .co page you really have to drill down to even find that out. There's similar country code domains that are being used like generics and .tv, .nu, .fm are the most obvious. I believe .md I just heard has also been allocated in that path.

So I think we could actually be doing a significant public service by, without analysis, actually just trying to drill down and putting out a factual table – if it doesn't already exist – sorted by ccTLD: what is the code, what is the jurisdiction, who is the registry operating it and who is the provider operating it. If that doesn't already exist somewhere in the public record it ought to.

Garth Bruen:

Should I respond or wait for questions?

[background conversation]

Beau Brendler: Go ahead briefly, Carlton. I was just going to tell Garth to resume as he wished. Olivier has his hand up, okay. Carlton, I heard from you first; then Olivier and then Garth can go back to his summary.

Carlton Samuels: Thank you, Chair. Just to say, following up on Evan's comment, that information is available but it's not discreetly laid out in the way that you have relayed it. For example, there is no "who owns the registry for that." There is no information on that collected anywhere. So I am suggesting that this is a good way for you to back into the issue, by providing that kind of data.

Beau Brendler: Thank you, Carlton. Olivier then Cheryl.

Olivier Crépin-Leblond: Thank you very much, Chair – Olivier Crépin-Leblond for the transcript record. That information is very readily available. It's on the IANA website. It is the database of... What is it called... You go to www.iana.org and you go into "database of top-level domains," and for each top-level domain that is there, if you click on it it will actually give you the country code and if you click on that you've got sponsoring organization, administrative contact, technical contact and the name servers as well.

That's been like that forever since I remember it. Before that, nic.ddn.mil was running that. That's the late '80s. And with regards to those what I used to call "courtesy" top-level domains

because they were not used specifically for... Well, they used ISO-3166 country codes which are actually misnamed because they're not country, they're country and territory codes – those ones have actually been used for as long as I remember as well. The first one raising my eyebrow having been .tv obviously, TV being Tuvalu.

However, while some of these top-level domains or country top-level domains had been used by people that had absolutely nothing to do with the territory itself, and that I guess has to do with Postel's allocation of these and the fact that he was a one-man band, thus not having very much time to go and check if the person or the applicant really lived on that place; and thus not knowing that Bouvet Island was only populated by Penguins.

Historically there has been some frowning from some parts of the internet community of "Oh, well these should be not allowed," while others have said actually some good opportunities have come out. If I recall correctly, and I may be wrong because I'm doing all of this from memory, but .tv Tuvalu was actually at some point, and perhaps still now, being marketed worldwide as though it was a gTLD; but the proceeds of that actually went to fund local networking for the local population over there who apparently, well because it is an island and it's far from everywhere, had problems connecting to the outside world because you required satellite connection, etc., etc.

So sometimes the use of these ccTLDs outside the actual territory that they denominate have actually helped the local population.

Now whether it's a case for all of them or some of them, that is up to each ccTLD. I haven't followed this with time because it's pretty hard, there's quite a few of them out there; and perhaps I'm not sure if the FOI is having any issue with this or has followed up. I don't even know whether new rules have now been added.

I believe, this is again just speculation – I believe because I have not seen anything to that effect that this hasn't been addressed. And I also suspect – and now I'm saying “suspect” because this is just me saying it – I don't think that there's been any real push by the ccTLD community to open that can of worms because it is a can of worms. It's just got so many different aspects to it. Maybe they haven't had the time to do it; maybe they don't wish to do it.

What I do know is that some countries have been upset sometimes by the ISO-3166 list. For example some French [department] like Martinique having .mp if I recall correctly, are actually seen by France as being part of France. That said, France has therefore used .fr in Martinique and has tried to shy away from .mp until recently when there was a lot of political discussion as to whether Martinique should also be able to use .mp. I don't know the status, the current status but it might well be that some domains are under .mp.

There are also weird allocations in the ISO-3166: .fx – French overseas territories, and nobody knows what those are because those usually would be this. But then .fx might actually mean any piece of rock that is technically part of France. That might be something like a one square meter piece of rock in the middle of

the Pacific Ocean and that doesn't even need anything else – it's a “none of the above”-type thing. But these things happen and I'm not quite sure whether... Well maybe the ccTLD community has felt that they wouldn't waste any time on these things and just leave those little kinks in the system as time goes. Thank you.

Beau Brendler:

Thank you, Olivier. Just to briefly respond to part of what you said with a consumer communication advocacy hat on: I think it's fine to say that such and such type of information is available on a website, but the consumer, even human being name recognition of what IANA is let alone how to navigate its website or to find pertinent data on its pages is quite a stretch. I mean it took me six months' of being part of ICANN before I even knew what IANA was or how the IANA contract related to ICANN blah, blah, blah.

So I won't bore people with my long learning curve but we need to be aware of that. I think Cheryl was next.

Cheryl Langdon-Orr:

Thank you very much, Cheryl Langdon-Orr for the transcript record. I would actually like if I could to say that Olivier, I don't know what you're tapping into down there but stop taking the words right out of my mouth excepting for the French examples – thank you very much for doing what I wanted to say.

I also wanted to point out that of course there are particular additions to the currently-proposed IANA contract that will be

renegotiated with whoever wins it – we assume ICANN – and all that does is make the public accessibility of some of the records even easier.

But Beau, we do have someone from IANA here at the table. Perhaps a moment for a right of reply would be appropriate.

Beau Brendler: That would be wonderful. Before we do that, though, there is just one thing. I see a rather long chain of items in the chat and I think we may have lost our external... Oh, someone's spamming it. So we're not behind on our obligation to-

Darlene Thompson: I am watching it.

Beau Brendler: Okay, good. Well, since we've kind of hijacked Garth's discussion of his presentation, Garth, did you wish to just take a minute or two to hear from IANA?

Garth Bruen: Oh, absolutely. I do want to respond to you, to Evan and to Olivier.

Beau Brendler: Excellent. Go ahead, then. Can you just introduce yourself and tell us your name?

Elise Gerich: In French or in English?

Beau Brendler: In French, please.

Elise Gerich: Great. My name is Elise Gerich. (speaks French)

Darlene Thompson: We don't have any interpretation.

Beau Brendler: Oh wait, our interpreters left.

[laughter]

Beau Brendler: Come on! This region is all Canadian anyway. Aren't you all bilingual? I mean I'm the only American guy here.

[laughter]

Beau Brendler: That's off the record. Actually I had the red light on, my apologies.

Elise Gerich: Please don't get the translators in trouble. I can't speak more than three sentences in a row.

Beau Brendler: Go right ahead.

Elise Gerich: In English I will go ahead. (laughing) This was kind of a little amusement. Alright, so if you could maybe summarize your questions... Oh, I'm sorry, I said it in French but it's the same in English – Elise Gerich and I am the Vice President of IANA at ICANN.

And if you could maybe summarize what your questions were or if you want me to just dive in and make something up I'd be happy to.

Cheryl Langdon-Orr: It's the accessibility of information; the drilldown to even find out what you've got on there was one of the complaints.

Elise Gerich: Okay, so the complaint is about the information on the IANA webpage then, I take it. Yes?

Beau Brendler: Well that's one thing, but just sort of a larger issue in a sense is that I think it's very difficult for people to understand. When I say "people" I mean human beings who are supposed to try to, you know, all terms must be defined in this universe – it's not consumer, it's people. I think people want to know what IANA is and what its relationship to ICANN is. So I'm not asking you to defend the way your website is architected.

Elise Gerich: Thank you.

Beau Brendler: But I'm just saying can we try to, is there a possibility at some point where there could be a handout, like in these bags that come out? Or just something to sort of raise the profile a little bit.

Elise Gerich: Yes, I'd be happy to give you a short synopsis. And I will preface it by saying that I did give an At-Large presentation about what IANA did I think two ICANN meetings ago, and I spoke just this afternoon to AFRALO about the current status of ICANN and IANA. So let me just start from scratch.

So ICANN is a corporation that has the contract with the Department of Commerce, NTIA is the department within the Department of Commerce of the US government. And that

contract asks ICANN, or grants ICANN the ability to manage and run the IANA functions.

The IANA functions have three primary components. One of those components is protocol parameters. Those are primarily registries and information that people who build software and computers use to build interoperable equipment and software on the network. So some of the protocols that they define include IPv4 addressing, IPv6 addressing; DNS – the domain name system; DNSSEC – the security for the domain name system; BGP, which is a border gateway protocol for routers; OSPF, which is a protocol for routers – those are just examples. So that’s what the protocol parameters are all about.

And basically ICANN and IANA have had a memorandum of understanding with the IETF, this is independent of the contract we have with the Department of Commerce, to take care of all these registries. And that memorandum of understanding has been in place since 2004, and we have SLAs – service level agreements – with the IETF on how we manage the registries that we do for the protocol parameters. So that’s one of the activities that’s defined as an IANA function.

The second activity under the IANA function that’s under the Department of Commerce contract with ICANN... Yes?

Beau Brendler:

Sorry, I don’t mean to interrupt you...

Elise Gerich: Is that too much detail?

Beau Brendler: Yeah, we have that level of knowledge. Let me in a sense just say-

Elise Gerich: (laughing) Okay, help me hone in.

Beau Brendler: Garth, what would you like to know about IANA?

Garth Bruen: Thank you, this is Garth Bruen again. I can answer that question by responding to a point from Olivier earlier. I have attempted to verify some of the information that is listed in IANA's database, and in some occasions that information could not be verified. For certain ccTLDs telephone numbers go to voicemails that are consistently full. In some cases, WHOIS servers are advertised in IANA's database but in fact the ccTLD has a stated policy of having no WHOIS on their own homepage.

So I guess my question is, how do we go about reporting what may be inaccurate information?

Elise Gerich: So you can always send email to iana@iana.icann.org or iana@iana.org. If it's your own TLD or someone you know, they can send in a request to update the information. And we collect information and we publish it; we don't make it up.

So therefore, if a ccTLD, any ccTLD – it could be .us – were to send us a sponsoring organization and an address for that sponsoring organization, and a sponsoring organization should somehow move within six months or whenever of when we received that information and posted it, the information would remain until the sponsoring organization who manages the TLD and who manages the information sends us an update.

Garth Bruen: So in response to that, is there a process for proactively updating, re-contacting the administrators?

Elise Gerich: You're going to laugh at our process but I'll tell you what we do. We send out holiday cards and we send them out to the addresses that we have in the database, and then the ones that don't respond, we contact them.

Garth Bruen: How do you discern what the proper holiday is?

Elise Gerich: We figure that everybody has some sort of New Year, so we send out a holiday card around the turning of the year.

Female: Brilliant! (clapping)

Beau Brendler: Let me just cut in for a second here. We have about seven minutes left. We can continue this – ICANN staff has to leave to get to a policy dinner at 8:00. We can continue without them... Oh no, don't worry about that. And then internet will be shut off in here as of 8:30 but we can continue. So I advocate for going as long as people want to stay with it. Olivier, did you want to...

Elise Gerich: But I will offer to, if Olivier would like to sign me up to come and talk some time and give some sort of presentation, if you'd like to point me in a direction I'm sure I could come and be happy to bring a presentation or just talk ad-lib.

Beau Brendler: Thank you very much. I saw Olivier then I saw Cheryl, and I'm going to go back to Garth and let him continue. Go ahead, Olivier.

Olivier Crépin-Leblond: Thank you very much, Chair – Olivier for the transcript record. I do have a question for Elise actually. In the GNSO and with

gTLDs there is a requirement for accurate WHOIS records, and I understand that this is quite a strong requirement. And I know that there is also a WHOIS Review Team and so on, there's all sorts of reviews going on to see which way – whether thick WHOIS, thin WHOIS, etc., etc.

Garth earlier mentioned the lack of WHOIS in some ccTLDs and I just wondered whether there were any requirements for WHOIS or whether there were any requirements for accurate contact details, and whether these were enforced in any way or not enforced or what is the status of that? Thank you.

Elise Gerich:

So I think since the ccTLDs predate ICANN or IANA there's a lot of things that are legacy, and a lot of things are done with ccTLDs that are different than anything that's happened since the creation of ICANN where they enter into formal contracts with newer TLDs. And so I'm not exactly sure that there's a mandate to have WHOIS data up there. There is a requirement that you provide verifiable data when you register as the sponsoring organization and the administrative contact and the technical contact, but as you've heard there's not a very good I guess formal agreement on how to keep that accurate after the first requirement, which is it has to be accurate when you register it. And we do check that at that point in time.

Beau Brendler:

Did you want to...

Cheryl Langdon-Orr: It's Cheryl Langdon-Orr for the transcript record and it's not a substantive comment. It was a suggestion that as we frequently change people in the regions and more ALSes join us, perhaps if we got Elise to do a small recorded webinar or similar podcast – certainly we could do for radio for our more remote areas that use radio – I think we might match you up with Scott and get you multi-media'd in whatever's appropriate.

Beau Brendler: Thank you. Evan wanted to add something before we come back to Garth.

Evan Leibovitch: Actually, I wanted to sort of come full circle from what I'd said before about is there something we could do to provide a public service related to the listing of ccTLDs. I've looked at the IANA page; it gives a little bit of the data but certainly not enough I think to allow a lot of end users to know what's going on. So for instance if it turns out that some of these registries have a WHOIS and some don't – that's a column in a database that we should be indicating to people, if they're looking at a cc, does that cc have a WHOIS. Where is the registry service provider located?

If somebody thinks that they are using a registry, a ccTLD to do something offshore when in actual fact the service provider is located not offshore – perhaps this is something that somebody

ought to know when they're making an informed choice. So as we continue to drill down into this whole thing about educated choices, competition and so on, and informed registrant is a better registrant. The IANA database is a good start but I don't think, when I look at it, that it's anywhere near the level of completeness that allows us to provide information that I think people need. And this perhaps is something that we could either in NARALO or perhaps getting other regions involved, might find this as a useful service to the public.

Beau Brendler: Thank you. I think that was particularly well said. Do you want to quickly say something before Garth?

Eduardo Diaz: This is Eduardo Diaz for the record. Elise, I have a question: are the ccTLDs required to have escrowed their data just like gTLDs? Or what's the policy there?

Elise Gerich: I'll defer to an ICANN lawyer but I don't believe there's any formal agreement where they have to do those things. But I'm uninformed so I'll let the lawyers answer it.

Samantha Eisner: This is Samantha Eisner, Senior Counsel with ICANN. One difference between the gTLDs and the ccTLDs as Carlton is

saying, is that ccTLDs can voluntarily take on some of these items. We do not have the same type of registry agreement that is required of any gTLD and will be required for all new gTLDs that come in.

If you look on the ICANN website you can find a page that's accessible from the quick links up at the top, and it's called... "Country Code Top-Level Domain Agreements." And if you click on that page you will find that there are over 60 countries that have voluntarily entered into one of three types of agreements with ICANN.

One is an exchange of letters which is a recognition between ICANN and the sponsoring organization of undertaking commitments – undertaking commitments to notify ICANN within seven days of a change of address or other contact information, a commitment from ICANN to make those changes on a timely basis; a commitment to treat the sponsoring organization fairly. You'll also find in there some financial commitments to ICANN for the services that ICANN provides. We also have the accountability framework which is much more akin to a contract.

And then we do have some older TLDs or some more established TLDs in terms of their operations, such as the .au, that actually have a formal agreement with ICANN. And I believe that it would only be through those types of formal agreements that we would have a firm commitment of data escrow.

Within the IDN ccTLD Program we had that the applicants must sign a terms and conditions paper that sets out some additional terms and conditions including a commitment against wildcarding and I believe a commitment to implement DNSSEC. And so we've tried to add some heightened technical requirements that would then carry into any documentation of that relationship. But we do have two different worlds of the types of documentation between the two.

Beau Brendler: Thank you. Does that clarify? Okay. Garth, do you want to take us on home?

Garth Bruen: I will be as brief as possible. I already addressed Olivier's issue earlier. There was one correction – Martinique is .mq, I just want to make sure that's correct for the record. You were saying "MP."

[background conversation]

Garth Bruen: Yeah, you were saying Martinique... It's .mq, that's okay. I can't, I have to look at a list. As far as Evan's question from earlier, there is a serious concern about domain consumer disclosure. If someone is buying a .md domain or some of the other ccTLDs and imagining that it is a gTLD there isn't a lot of disclosure that they

have an agreement with a foreign government. And if that particular foreign government ultimately decides that having an open registry for non-citizens is inappropriate, they may lose their domain name. And I think that that's a very serious concern.

And then as far as Beau's question from earlier, I think that it's just not a small island – I think that there is a potential for any ccTLD to be hijacked by some outside party that does not have the concern of the people in mind. And that's really why I cite these examples, because I think that we as a community have to question whether or not the concerns of the citizens of that country are being taken into consideration.

Beau Brendler: I see hands up. I mean we keep interrupting you over and over and over again. Are you done?

Garth Bruen: I'm going to release.

Beau Brendler: Okay. Yeah, go ahead Sam.

Samantha Eisner: This is Sam. Just for the record, not every ccTLD is managed by a government. It can be managed by a private party; it can be managed by a ministry within the government. There's no set form for how a ccTLD is sponsored, and so we can't always

assume if we see a ccTLD that it is under the direction of a foreign government.

Garth Bruen: Well- I'm sorry.

Beau Brendler: No, you'll probably make the same point that I understand that, I believe that. That's a good legal explanation but I'm not necessarily sure when from a consumer perspective you often hear it argued that no one can touch the ccTLD universe, that's all the sovereign property of nations and ICANN; and no one is to interfere with the sovereign properties and all of that. I'm glad to actually hear Sam's clarification because that now seems to me to be a specious argument. Go ahead, Garth.

Garth Bruen: Yeah, I was just going to say that it's very evident for some of them that it is a private party that sets the policy and has complete control over it, and especially when they're actually not in the country of origin – and many of them are in the United States, they're being administered from the United States – I do wonder where is the sovereignty and where is the interest of the people of the original nation?

Elise Gerich: So there's an RFC... I'm sorry, did you call on me?

Beau Brendler: Well Olivier, do you want to defer? Yeah.

Olivier Crépin-Leblond: Ladies first.

Elise Gerich: Thank you, I'm sorry. So there's an RFC-1591 which defines the use of the ISO-3166 code to define what could be a ccTLD. And that also has a set of requirements that we've followed ever since that RFC was posted, and ICANN has always followed it; and one of the mandatory requirements is that the manager or the sponsoring organization is in-country. So it doesn't say that the operator has to be in-country, and it doesn't say that the technical people have to be in-country. That's desirable clearly but the RFC just says the sponsoring organization. And they don't use that word – they use the “manager” word.

So it defines what two-letter codes are eligible and which countries are eligible to have those two-letter codes, and that's based on the ISO-3166 standard. And then it does say the manager must be in-country. So if you look, all of the sponsoring organizations should be in-country. It could have different technical addresses for admin or technical people but that's a nice to have per the RFC, not mandatory. And unless there's something else that changes, those are the guiding rules and principles.

Right now the ccNSO, and I'm assuming you all are aware of this, have what they're calling a Framework of Interpretation Working Group in place, and that's where they're trying to now clarify some of the interpretations that have been in practice for many, many years. We've come full circle.

Beau Brendler: We've come full circle but there's still hands up. Go ahead.

Evan Leibovitch: And the full circle, basically the more I hear the more I see that there is a confusion issue going on, that there's so many different ways of permutations; there's so many different things. Something you may think is a country isn't necessarily a country. There is a potential for an awful lot of confusion here, so I think we have a roll perhaps simply on an informational basis to at least make sure that people are informed about what's going on in the TLD that they're considering.

The IANA database gives some of it but not all of it, and the more I'm hearing the more me coming in from the outside sees this tangle of things that's so easily obfuscated. And I think we have a role here to help people get through that tangle.

Beau Brendler: Well said. Garth, do you...

Garth Bruen: Yeah, just in reference to the RFC that was referenced. Is .su still on the ISO list that is referred to on the RFC?

Elise Gerich: .su is on the maintenance list. So ISO-3166.1 and then they have a maintenance list also, and they move things to maintenance lists when countries are no longer countries, like Yugoslavia is also on the maintenance list. And in fact .an, the Antilles are now on the maintenance list. And so these move from the active 3166 list to what they consider a maintenance list, and that does not mean that they go away completely. It means in fact... Oh gosh, I shouldn't do this off the cuff but .su has some sort of time to live on it and it's like 100 years or 75 years or some such thing. So anyway, they move into a different category.

Garth Bruen: I'm sorry, so is that second list also referenced in the RFC?

Elise Gerich: The RFC just references ISO-3166. And so it's like I don't know, let's say old cars or old televisions – just because they're no longer made doesn't mean that they disappear.

Beau Brendler: Olivier and then, go ahead.

Olivier Crépin-Leblond: Thank you very much, Beau – Olivier Crépin-Leblond for the transcript. Actually, the ccTLD space is one that has quite a few kinks inside it which are all historical. Strictly speaking yes, every ccTLD should be following an ISO-3166 country code or country and territory code as it was published; and of course if that territory code disappears then it should theoretically also disappear from the internet domain space, the ccTLD domain space – although I don't think that there is any specific role regarding that.

And because some of the ccTLD operators have a contract and some do not have a contract, they're not bound legally – the ones that don't have a contract are not bound legally. In addition to that, there is one major kink which has always been there which is .uk, because .uk is actually not on the ISO-3166 list. It's .gb, and GB is Great Britain.

The thing is, though, that Great Britain is only the mainland part and it doesn't include Northern Ireland. So .uk, in addition to that, .uk actually was first uk. – it used the NRS system rather than doing the DNS system, which meant that UK addresses, and I remember using this back in the day, you did uk.something-else.something-else.something-else, which made it very difficult when you then sent email to the internet because you started with com.the-name-of-the-company, or org.the-name-of-the-company...which made it even worse when somebody decided to – and I remember there was a computer in the Czech Republic which was computerscience.xyz.cs. So it was cs.xyz.cs but then you could have cs, because many people called their computers

“computer science departments,” so it was cs.name-of-the-computer.edu, and the machines that used to have to find out what was going on were getting really messed up because was it edu.computer.xyz.cs or was it cs.xyz.edu?

So it really shows you how a lot of the internet’s growth and the way the DNS and putting all these networks together went totally crazy. There was also a network called CSNet, cs.net. I mean imagine that one – that’s an easy one. So in the early days there were a lot of bounced emails, a lot of addresses that weren’t working. Thankfully with time, everyone went into the system where you put the top-level domain at the end but at some point it wasn’t that case.

So things are being ironed out slowly, but for .uk in the early ‘90s there was a push to move everything over to .gb. Now, understandably due to political considerations in the UK, moving from .uk to .gb might have repercussions as to the status of Northern Ireland. Well, what do you do with computers in Northern Ireland if they have to move to .gb? They certainly do not want to be in .gb but they are in .uk. It’s just a can of worms because it involves sovereignty, it involves territory, it involves all sorts of things.

I might even go as far as touching one specific subject which has come up in the LACRALO discussions, where there is a territory that one country or a set of countries calls one name and another one, another name. And I’m speaking of course of Las Malvinas and the Falklands – that’s one other can of worms. You want to go

further? .ps. .ps is mentioned as occupied territories, but are they occupied or are they not occupied because they're the territories which are actually not occupied since a certain time ago but some people still think that they are occupied, and the boundaries of course have not yet been correctly set.

It's just stuff you don't want to touch and everyone just keeps the status quo on this and says "You know what? We'll leave it like that for the time being. It's not hurting anyone in a major way as long as we can get the email and the website and these things running." And as long as only a subset of the whole community – probably us geeks – are asking ourselves questions about this, I don't think the regular user out there is really bothered – they just want to be able to get the thing, their email at the other end.

Now agreed, there might be some cases where there is a user issue. And I realize that even through this discussion that we're having here, we're all confused about this as well and we're actually in ALAC, in NARALO but in EURALO we're actually... I wouldn't say part of the system but I imagine that we'd know a heck of a lot more than people out there.

So perhaps one takeaway that we can take from this discussion in NARALO, and I'm glad we're actually having it, is that we should investigate and certainly I have heard others saying this, that we should investigate or perhaps even get NARALO to ask the ALAC to investigate ways of being able to provide easier-to-access information for the internet user out there in case anybody is interested in trying to find out what is what. Certainly the

accessibility of the IANA database might be something that could be helped, but then of course the moment you take on such a responsibility you're going to have some work in having to update your own database.

I know that because in the '90s I actually maintained a database of country connectivity, and whilst in the early '90s connectivity status for countries – and we're speaking about a whole country as a whole – did not involve much work; not much was happening. The moment you reached 1995, '96, '97 there were so many things happening around the world that I kept on having people emailing me and telling me “This is wrong, you're late.” And unfortunately yet again, because you deal with national pride, we are on the internet.

If there had been any more than one or two weeks since a country had actually sent its first packet outside, I received threatening letters saying “Why are you purporting that our country is not on the internet when for two weeks we've already been on it? Do your job!” not understanding I was doing this in my spare time while trying to do a PhD at the same time but there you go.

So that's the long story. I'm sorry if I took too much time but it kind of gives you an idea of how things are not that black and white or clear in this space. Thank you, and maybe we can shed a bit of light on that. Thanks.

Beau Brendler: Wow, I would like to applaud the ALAC Chair for the spectacular display of oracular fireworks and arcane knowledge that has taken us to a new level at this meeting.

[laughter]

Beau Brendler: I feel positively exhilarated now and I don't wish to recognize anyone else to speak because it's 8:15 unless it's an emergency. One of our special unexpected guests, yes please.

Elise Gerich: I'm going to wear a mask next time but I just wanted to clarify when I talked about the RFC and the criteria, because I thought someone said that they didn't think that governments had anything to do then with ccTLDs. And if I heard that it's incorrect. So the requirements in RFC-1591 include what I said was a mandatory requirement that you had to be in-country if you were the manager.

It also has requirements about local community support and government support. So there's a whole lot of checkboxes. We only focused on the one because that was my question and I would say that it's a short, short RFC and it's not too techy, so if you wanted to read it you would see that there are some mandatory things but included in that is whoever comes in to get a delegation or a re-delegation has to show the support from local community and government and have everything in order.

Yes, so there are requirements that are broad because that is meant to support the community of the country. So sorry to take some time.

Beau Brendler:

Oh no, thank you. And with that I would like to close this meeting which I think was very, very successful, especially for participation from back in the United States and back in Canada, and back well, I don't think we have anybody in Mexico but we're delighted that we had a chance to coordinate this meeting here with a good time back home and have some remote participation. So thank you very much.

Cheryl Langdon-Orr:

Just before you close the room I've put the RFC link into the chat space for (inaudible).

[background conversation]

[End of Transcript]