ICANN Dakar Meeting

NCUC- TRANSCRIPTION

Tuesday 25th October 2011 at 09:00 local

Note: The following is the output of transcribing from an audio. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

Konstantinos Komaitis: ...thereabouts on here as well as the people that are participating in remotely. We have a pretty good turnout in the - in most participation. I would like, before we start, I have managed to upload the agenda on the Adobe Connect, so please try to log into the Adobe Connect. You will be able to find it through the ICANN Web site and the GAC Committee, if you go to the schedule, choose the Non-Commercial Usage, you will be able to find the details.

Before we start discussing the items on the agenda, I would like to go around each one of you to introduce - we have a lot of new people, old people and thank you very much. Can we start with you? Thank you. Please state your name and - for the transcribers, thank you.

Celia Lerman: Hi, I'm - thank you for the welcome. I'm Celia Lerman from Argentina. I am a Fellow newcomer as well, and I am a Professor and Researcher at the University of Di Tella at Buenos Aires, Argentina. I specialize in intellectual property and yeah, that'll probably be a good place to start. Thank you.

Amrita Choudhury: Good morning, my name is Amrita Choudhury, I am from India. I represent an association which works for Internet promotions within the

varied stakeholders, ISPs, public Internet access points, and content providers, trying to see how the digital literacy can increase. I am a Fellow for the second time. My interest in the Non-Commercial Stakeholders Group is to try to see how new constituency can actually be formed which looks after the public Internet access points, because the dynamics in emerging nations are slightly different.

Ayanna Samuels: Good morning everyone, my name is Ayanna Samuels, I'm a Fellow from Jamaica. I am very excited to be here. My professional interests are that of being an ICT for Development Consultant and Technology Policy Specialist.

My being here with the Non-Commercial Stakeholder Group is as a result of being most involved with public (unintelligible) (SACH) in geo communities at home and personally feeling most passionate about those at the lowest ends of the social ladder and how we can empower them. And so this means a lot to me to be a part of the change that I want to see. Okay, thank you.

Salieu Taal: Good morning. My name is Salieu Taal, you can call me Sal. I am from the Gambia. I am the lower part of my profession, but I'm very much interested in ICT for Development as a person, so I'm very much active in civil society in my country and somewhat localized, I mean, IT societies, and also the country and the movement, I'm very much a part of. So those are my two interests. Thank you.

Bakary Njie: Good morning to you all. My name is Bakary Njie. I am from the Gambia, neighboring country to Senegal.

I work in the academics, that is in the work of The Gambia College. And I am very much interested in the civil society, that led me to join the Internet Society of the Gambia. Currently, I am the Treasurer of the organization.

We're looking to do rejuvenation of the association so that we can advocate in our country when it comes to the Internet. So I am part of this forum here to

learn a lot about the non-commercial sector since I am a Fellow and am new in this community here. Thank you.

Jean Marie Alterna: Good morning everyone, I am Jean Marie Alterna from Haiti. It's my third time, my second ICANN meeting. I'm an IT specialist and I'm here (unintelligible).

George Asare Sakyi: My name if George Asare Sakyi from Ghana. I'm an engineer by profession and this is my second Fellow in ICANN. I'm a member of Ghana (unintelligible), a member of the Ghana Internet Society of Ghana and I'm here to contribute and learn from this meeting. Thank you.

Wendy Seltzer: Thank you. I'm Wendy Seltzer, I am one of the elected Councilors to the GNSO Council from the Non-Commercial Stakeholders Group. Thank you very much to those who have participated in our recent election. And if also - I'm a lawyer from the United States, I'm currently at Yale Law School and I do research in Internet technology and the law and policy, particularly geared toward free expression and user-to-user communication.

So I'm very interested in how we can use technology to help people to communicate and to help empower individual communications. I just want to say I'm thrilled to see so many new faces and Fellows that I recognize from previous meetings and we would very much encourage you to join the Non-Commercial Stakeholders Group and to continue participating in these discussions with us in between meetings as well.

Glen Reichart: Good morning. I'm an old member of NCUC who has a new nonprofit affiliation. I'm Glen Reichart ((French Spoken)) Glen Reichart, so either one will work. I will respond to either one.

I'm working now with US Ignite, which is a United States initiative to provide for new kinds of networking. It's much like ICT Development for both underserved and to provide new services that Internet cannot provide today.

Robin Gross: Hello, my name is Robin Gross, and I've been a member of NCUC for I guess about eight years now or so. And I was just elected to be the Non-Commercial Stakeholder Group Chair. Thank you.

Wendy Seltzer: While we work to get the microphone shifted to those sitting behind us, I want also to - so there's a link to those in the Adobe Connect chat, we have (T.T. Eberdero), who is participating in ALAC as well as NCSG, and she introduces herself as an Academic from the University of the Witwatersrand, also with a Civil Society hat. She's a Nigerian based in South Africa focusing on Internet governance and interested in particular regarding development.

We also have Brenden Kuerbis, who is a recent Postdoc at Citizen Lab University of Toronto and a member of the NCUC Executive Committee from the North American region. He is also glad to hear so many new voices.

We also have Rafik Dammak, another of our GNSO Councilors, from Tunisia, based in Tokyo. And we are very glad to be able to engage people remotely as well as in person.

Patrick Anglin: Good morning, everyone. My name is Patrick Anglin. I am from Jamaica, a first-time Fellow and a first-time ICANN meeting delegate.

I am with the University of the West Indies, where I am in the IT group. I deal with quality and infrastructure, but on the academic side, I am a researcher and I am researching integrating ICTs in the business practices of SMEs, you know, (unintelligible). So I'm trying to develop a productivity model using ICTs. It's very good to be here and I look forward to learning a lot from this group.

Nike Osofisan: My name is Nike Osofisan. I'm a Professor at (Western Valley), West Nigeria, and I'm the Head of the Department of Computer Science. I'm also a member of the Board of Trustees, Nigeria Internet Registration Association.

This is my first time in ICANN. I am fighting the cybercrime and also I look into data management. I'm (unintelligible) finding my way around ICANN. Thank you.

Sexton Segobaetso: Good morning, everybody. My name is Sexton Segobaetso from Botswana. I'm a first-time - what is it - Fellow with ICANN, it's my first time here at an ICANN meeting.

I work for the telecommunications regulator, background of telecommunication engineering. Not very long ago, the government of Botswana mandated the authority of BTA where I work to look into - to take over the management of the top-level domain as WW. So when coming across this opportunity though ICANN Web site, I realized a few areas which appeared relevant to assist us in the process of management of these utilities, so that's how I got the interest of coming over here (unintelligible).

Walusungu Gondwe: Good morning. My name is Walusungu Gondwe, I'm from Malawi. I work for the University of Malawi as a Systems Engineer and Lecturer. I'm a Fellow, this is my first time at ICANN.

I've been involved with ICANN before but this is my first time here. I'm here because after our presentation yesterday, there are some topics that attracted me, so I'm here to learn a few things pertaining to the topics that were really attractive. Yeah, thank you.

Man: Good morning. My name is ((French Spoken)).

Man: Merci.

Woman: Merci.

Man: Good morning. My name is (Unintelligible). I'm from Senegal (unintelligible) financial institution, focusing ITT area (unintelligible). I came out here to see what we can do to be with ICANN. Thank you.

Man: Hello, my name is (Unintelligible), I come from Senegal. I am a QSA, Qualified Security Assessor, and I work in the Security Office of the band of (unintelligible) Bank. But I am interested to - this is the first time for me in ICANN in this kind of convention and I am here just to want to know what's happen and what's the functionality on something like that, because I am very interested for the future to perhaps work for the ICANN. Thank you very much.

Konstantinos Komaitis: Thank you all very much. Let me also echo what Wendy said, I'm very excited to see so many new faces and we'll be sending around a list, so please give us your contact details, your emails so we can follow up. And please, we would really like you to join the Non-Commercial Users Constituency and the Non-Commercial Stakeholder Group and participate in our discussions. May I ask also, the founder, the founding member of NCUC to introduce herself, thank you.

Kathy Kleinman: With apologies for being late, I am Kathy Kleinman. What should I say? I am the Co-founder of NCUC along with Professor Milton Mueller of Syracuse University, and many years ago it was very small and we didn't know what would happen with it. And so it's wonderful to see everybody, it's wonderful to have Konstantinos as Chair, Robin as former Chair and now Chair of NCSG, and so many organizations and so many new people.

NCUC has a very special role in ICANN and a very special voice in ICANN. And thank you all for continuing the vision and the hope of the organization.

Wendy Seltzer: Thanks, Kathy. One more participant introducing himself in Adobe, Ron Wickersham, the private citizen from the U.S.A., volunteering wireless Internet connectivity, the NoCat network in rural areas, and volunteers with

several nonprofit organizations and individuals using the Internet. He's an electronics engineer manufacturing electric guitars, cool, and he's worked for us in the PEDNR working group, so thank you, Ron.

Konstantinos Komaitis: Thank you, Wendy, thank you, Ron, thank you, Kathy, thanks - thank you all that you're here, we can start. We have a draft agenda which is amenable to change depending on whether you also would like to raise some issues. Unfortunately, we don't have the whole day, this meeting should finish up to 12:30 and we are also expecting the NomCom to come and speak to us - the Nominating Committee, that is - as well as the DotOrg will briefly drop in for a chat, and then we can resume, of course.

So the proposed agenda for today is - was circulated to the members and some additions were made, so the final version of it is - we can - we will discuss numbers of issues, some policy issues, in particular - particularly the ones that are currently at ICANN's agenda. That's the (Cruise) review team, the UDRP, the (L-Teach) Task Force and domain name takedowns. We will be discussing notes about the forthcoming NomCom - elections for the Non-Commercial Users Constituency that need to take place before the end of 2011.

I would like us also to discuss some constituency relations, especially that - especially in relation to the recent things that have happened within NCSG, also about the NCUC Charter and then I would like us especially to try to strategize on policy issues and identify areas that we want to focus on in the forthcoming year, and you think that are important and we all think that are important for ICANN. And last, but certainly not least, about constituency transparency, and that topic was added by Avri Doria, who I hope will pop in and discuss it.

I would suggest that we don't necessarily follow this structure and just first of all, start with me briefly telling you about the NCUC Charter. As you all know, recently, the Non-Commercial Stakeholder Groups approved the Charter of

NCSG. Due to that fact, the NCUC Charter needs to be amended in order to reflect the new Charter that has just been approved, and I am currently working through it - on it, sorry - and I will - the plan is to put up the Charter for a vote by the membership at the same time as the NCUC elections.

So the NCUC elections will then combine, actually, those two. I will start the process in the beginning of November so we can have everything finalized before, hopefully, the Christmas break. And then we can have the new people - the new elected people - seated for the new year.

So there will be elections for the NCUC Chair and there will also be elections for the NCUC Executive Committee. The - just briefly for our newcomers, the way NCUC is structured, via its Chair and via its Executive Committee, according to the existing Charter, and this is something that will not change, the Executive Committee is comprised of four - five people that should represent all regions of the world. Nominations are open for anyone, you can also self-nominate - you can also nominate yourself, you can also be nominated, and I surely hope that people will engage, because it is very important that we have as many voices as possible.

And there on the Executive Committee, we have the Chair and Treasurer, make administrative decisions, discuss constituency matters, and also help organize and strategize on the future of the constituency. Does anyone have any questions or would like to make a comment?

Man: Yes.

Konstantinos Komaitis: Please. Can you please state your name before you start, thank you.

Salieu Taal: My name is Salieu Taal of the Gambia. I believe I'm a member of this constituency. In terms of coming up with this Charter, will we have an opportunity to have an input into it?

Konstantinos Komaitis: Yes, the Charter will be put out for a vote, so you will be able to vote on it or not. What do you mean by input?

Man: See, I'm a lawyer so I'm used to drafting documents. I mean, I don't just want to vote, I want to be able to say, that clause should be said this way or that way, that's what I mean.

Konstantinos Komaitis: Yes, you will be able to have that when it's up for - when we listen to the membership. Kathy, please.

Kathy Kleinman: Do you see a lot of changes coming to the Charter? And I should say that, since I drafted the first one.

Konstantinos Komaitis: Sorry, that window was (unintelligible). I see some changes in terms of - I would like to activate the Policy Committee that exists within NCUC. And I would like to create - I would like to see ideally a system whereby the Policy Committee will be filling in two reelected councilors and it will raise with the membership and raise various issues that are of concern to the membership as well as ICANN.

And at the same time, I would like the Policy Committee to become more active when it comes to participation in working groups, in various discussions with ICANN and be aware of the - those policy issues that we feel as Non-Commercial Users we should pay attention to. So this is one of the things, and of course we need to amend our membership structure, because right now, of course, membership is part of the NCSG mandate and you have to become a member of NCSG, so at least we'll have some way to change.

Kathy Kleinman: Good points both, and the Policy Committee sounds great.

Konstantinos Komaitis: Thank you, Kathy. Anyone else? Kathy's going to volunteer to be
on the Policy Committee.

Kathy Kleinman: One committee at a time.

Konstantinos Komaitis: Anyone else? Any comments? Okay, that will take us into the next
issue which I think will take us a lot more time, and let's start talking about
substance - the policy issues.

I would like to first start with a topic that is very close to me, which is the
UDRP. For those of you who have just come or are not familiar with the
UDRP, it stands for the Uniform Domain Name Dispute Resolution Policy. It
is the oldest ICANN policy, it has bee in place since 1998, with the first ever
UDRP decision being decided in January of 1999.

So it's been 13 years and it is sort of the only ICANN policy that has never
been reviewed. So last year, the GNSO started discussing a potential review
of the UDRP. The ICANN staff, due to the GNSO's mandate, issued -
organized - the first step was to organize a Webinar where various people
were invited to participate and various people were able to listen in, and the
participation actually was great.

And in the last ICANN meeting in Singapore, ICANN also organized a
workshop on the various issues of the UDRP. There was a public comment
period and the ICANN staff, based on those three issues, the public
comment, the Webinar, and the workshop in Singapore, compiled an issues
report but appeared to suggest that the majority of the views of the UDRP
should not be reviewed. The NCUC has highly contested that.

We believe that the majority actually views that - feels that the UDRP has to
be reviewed. One of the main, however, issues that seems to be part of the
debate is when we are going to start the review of the UDRP. The problem

appears to be that there is a strong resistance to start it now because of the new gTLDs that are about to roll out.

As you know, the applications for the first round are about to start on the 12th of January, so a lot of constituency - one main constituency, that is Intellectual Property Constituency is arguing that the timing is really not right. This is the first issue that we would like to discuss - I would like us to discuss. Basically, how do you feel and when do you feel that the UDRP should start.

The second issue that I would like us to discuss is the letter that the GAC, the Governmental Advisory Committee, recently sent to the GNSO regarding the UDRP. For those of you, again, who are not familiar, the GAC, for the first ever time in history, sent a letter to the GNSO advising that the UDRP should not be reviewed.

Woman: (Unintelligible) that it shouldn't be reviewed now.

Konstantinos Komaitis: Well, it shouldn't be reviewed now, yes. So we should not issue a PDP, basically. Some members of the NCUC read that letter and went to the (unintelligible) of the letter and they realized that this letter was composed by - or was drafted or was, you know, they helped the GAC to draft this letter, whatever you want, by a very specific intellectual property firm in the United States.

The NCUC was very concerned about that and we sent a letter to the GAC and what I would like to inform you is that so far, my understanding is that the letter that NCUC sent to the GAC was not circulated to the whole of the GAC, which I am still awaiting to hear confirmation, but two members of the GAC have indicated that they haven't seen the letter, or they don't recall seeing the letter, better yet. So I'm waiting for a confirmation. So those are two issues concerning the UDRP and I would like to open up the floor for discussion because as you can understand, these are very serious issues with very significant implications.

Before we do that, I think that we have a couple new people joining, so I would like them to ask - to introduce themselves. I see Avri Doria. Avri can I just ask you to introduce yourself, please.

Avri Doria: Sure, I'm Avri Doria, and I'm a member of the NCUC.

Konstantinos Komaitis: Would you like to introduce yourself, thank you.

Man: Yes, excuse me. I'm like an observer, because I am from Brazil, coming from the Steering Committee. Carlos Afonso is not here so they, you know...

Man: (Unintelligible) by Carlos.

Man: I'm an honored observer, because I stay more 15 minutes away (unintelligible) meeting. I'll tell to Carlos what - when we've finished the meeting - or the conclusions to tell him, okay?

Konstantinos Komaitis: Thank you very, very much. Anyone else who has just joined? Okay, so let's go back to the UDRP and Fellows, Avri who just came in, we're discussing about the UDRP, the two issues.

First of all, when the review should take place and secondly about the letter that was sent to the GNSO. Oh, sorry. Would you like to - yes, please introduce yourself.

Man: ((French Spoken))

Konstantinos Komaitis: Thank you very much, (unintelligible). So let's start the discussion on those issues. Who would like to start?

Man: Excuse me.

Konstantinos Komaitis: Please.

Man: UDLP or...

Konstantinos Komaitis: U-D-R-P.

Man: Okay, thank you.

Woman: Just a quick point, as a - just to be conscientious, since we have some French speakers, perhaps you could speak a little slowly since they have to, you know, make up the (unintelligible). Let's keep that in mind since we don't have translation.

Konstantinos Komaitis: Avri?

Avri Doria: Can I ask something? When we - okay. When we have a French speaker, if someone is really good at translating, it might help if you then tell us what they said. Because some of us have a little bit of French and so we sort of understand, but if they want to speak - yeah, thank you.

Konstantinos Komaitis: Okay, please...

Man: I don't see my name, this is (unintelligible). Please, excuse me.

Konstantinos Komaitis: Wendy, do you want to start the discussions, please.

Wendy Seltzer: Sure, this is Wendy, and to add to Konstantinos' overview, I think that we have a real opportunity here to help form a coalition in the GNSO Council with members from the registries and registrars, potentially, who also have some interest in seeing the UDRP made consistent. And so I would suggest that we think about scoping this review so that it doesn't seem like a giant and scary project that could cause disruption, but instead is focused on particular issues of concern.

For example, the uniformity of the dispute resolution procedure, the opportunity to review decisions and the possibility of uniform contracts with providers that include conflicts rules so that the same person is not sometimes a mediator of disputes and sometimes a plaintiff in those disputes, but instead the judges are only non-conflicted judges, so those might be some of the issues that I would put on the table. And I think that we could draft a motion recommending a tightly scoped review and find support for that.

Konstantinos Komaitis: Thank you very much, Wendy. Yes, I would like to basically reaffirm what Wendy just said. There seems to be an info collaboration between NCUC and some other constituencies and stakeholder groups, and we really need to - but what it seems to be the idea that the UDRP should start - we should start the review of the UDRP in approximately eight months.

There are two issues. First of all, we need a commitment that the UDRP will be reviewed. This is important in discussions like this concerning a potential review of the UDRP also took place in - between 2002 and 2003, and they got nowhere. The second issue is whether, you know, what sort of review would we do?

So I think that our strategy - and I would like to hear your opinions in the next Council meeting, we can put forward a motion for a review of the UDRP in X amount of time that we can discuss here. But after that, we can also start pushing for some issues to be addressed in the UDRP, like for example, the contractual - what the accredited centers should be in a contractual relationship with ICANN, an issue that is already part of the Uniform Rapid Suspension System that will be applicable for the new gTLDs. Would anyone like to say anything toward anything of that? Kathy, please.

Kathy Kleinman: Not on the subject. I just wanted to share with you what we're doing, which is trying to put up a screen so that we can write terms and acronyms and words

and maybe I'll give some informal definitions, but I wanted to ask you as Chair whether this is...

Konstantinos Komaitis: That would be fine, thank you very much. Can you please state your name?

Celia Lerman: Yes, Celia Lerman, from Argentina. So I wanted to share with you some of - it's more external to UDRP, but still on the application of the UDRP, you know, we're working on creating a regional center, a Dispute Resolution Center in Latin America. This is what we're doing with another Fellow (unintelligible).

So I was wondering if there is any way, I don't know, to, like, connect with this issue also to the UDRP because it has - it doesn't have to do with the UDRP on this text, but it has to do with the application of the UDRP, are more homogenous. So we have to - we have been doing some studies and it's not really used the UDRP from Latin America because of different problems with procedure, language, cost, et cetera. So I was wondering if there is any room for including this in the - it's not a UDRP review, but it's also a mutual UDRP in this application. I'm wondering if there is any way to connect this, or it's not the right place.

Konstantinos Komaitis: I am not sure whether I fully understand what you mean. You would like to see, for example, the application of systems like the UDRP in the way they apply various national...

Celia Lerman: No, sorry. Let me say it more clearly. There are currently four UDRP application centers, right? So we are working to create one for Latin America. That's what we're doing.

Konstantinos Komaitis: To accept UDRP applications, you mean? So you would need to be...

Celia Lerman: Exactly, a regional center, because WIPO's not really working for us.

Konstantinos Komaitis: I - really the question that I have is, this center would be responsible for the (unintelligible) of Argentina, or will it be for gTLDs?

Celia Lerman: No, gTLDs, and if there are some gTLDs that want to join, great. That's a long term perspective. But the more general point is for gTLDs, we've - that take place locally, you know, between two registrants that are located in Latin America.

Konstantinos Komaitis: Then yes, I would think that - well, I mean, ICANN is the one that determines which would be an accredited center through its own processes.

Celia Lerman: Yes.

Konstantinos Komaitis: But it could certainly be part of the discussion you can certainly raise, why you feel that Argentina has to create a new center or, as you said, why do you feel that WIPO is not doing the job that it needs to be doing in the context - for the Argentinean users and domain name registrants.

Celia Lerman: Okay, thank you.

Konstantinos Komaitis: Please.

Salieu Taal: Mr. Chair, I think for the benefit - okay, again, I am Salieu Taal from the Gambia - I think for the benefit of us lay people, meaning those of us who are not yet familiar with all the technical terms, you have to have a little structure in the meeting, in the sense that when you started the meeting, we had an agenda and a structure. I think you said you were going to talk about two issues. One is when the UDRP should start and number two, about the GAC letter.

Konstantinos Komaitis: Yes.

Salieu Taal: I would suggest politely that you have us who are not up to speed to sort of conduct the meeting according to the agenda, otherwise we'll just be talking about one topic and somebody will say something else and we'll be completely lost. That's my personal opinion.

Konstantinos Komaitis: I thought that's what we were doing.

Salieu Taal: Well I didn't get that feeling. I mean - and I've been listening. Because what she was talking about, I don't see the connection with the first issue on the agenda. That's my personal - I'm not saying it's irrelevant. We are talking about when to review.

Konstantinos Komaitis: Yes, but this is part of the whole discussion as to when to review it and what issues need to be included in the review.

Salieu Taal: Okay. I just thought I would just bring it to your attention.

Konstantinos Komaitis: Thank you. Anyone else? Please, Kathy.

Kathy Kleinman: If we don't review now, when? What assurance - I mean, there are groups that don't want a review at all, there are groups that seem to be willing to review later. If we don't, I mean, is the recommendation to review now or to get some very, very, very clear agreement on when we will review later?

Konstantinos Komaitis: Wendy?

Wendy Seltzer: So perhaps I could ask that as a question, do - if we could get agreement to review now, would that be our preference? And is our preference to review at the soonest point that we can get sufficient support to put the motion forward?

Konstantinos Komaitis: Well, assuming - I think that we need to push for revision now. I would really, really like to see the UDRP being reviewed now. As I said in the beginning, it is a policy that has existed for 12 years.

It is a policy that has a lot of procedural and substantive flaws, more procedural than substantive, if you wish. And because it is so important and because it is really the only policy that sort of determines rights at an international level of disputed parties, I really believe that we need a (vast) mechanism that would be in the position to protect those rights. The political reality, however, is that there are many groups - the engaged groups within the ICANN community and the GNSO do not really want to - that want to see the UDRP at some point being reviewed.

They don't want to start it now. So I think that a discussion that we need to have is how much we can postpone this review, and what will it mean - postponing this review, especially in relation to the new right protection mechanisms that are about to be endorsed as soon as the new applications for the - new gTLDs start coming in. Thank you. Kathy?

Kathy Kleinman: You may have just said something that's a key, which is that there are two different parts of the review - procedural and substantive. The argument on the other side, let's just put it on the table, is that we've created a number of new rights protection mechanisms for the new top level domains. If you read the new applicant guidebook, there is the Trademark Clearing House, there's something called the Uniform Rapid Suspension, which is like the Uniform Dispute Resolution Policy, but different and faster and shorter and cheaper, and others too.

I was part of this Robin, Konstantinos, Wendy - we spent - Avri, on different other parts of the guidebook - we spent many, many months working on these areas. So what the Intellectual Property and others are saying is we have these new mechanisms, but we rely on the old ones. It's an interesting argument.

They say we'd like something we know. They're very - there are a number of groups that are very concerned about new top level domains, and they say we rely on these old ones. Give us some comfort that we get to use the old ones while we're setting up the new ones.

There's something to be said for the argument. It's certainly persuasive, whether I like it or not. But if we could divide procedural and substantive - and my response to them is always yes, but WIPO's not fair.

The way it's being handled now is not fair. Procedurally, it's not fair. So if there was a way to divide procedure from substance - it's not always easy, at certain areas it's a little unclear.

But in general, say, rotation of panelists - in the Uniform Rapid Suspension, called the URS, and pretty soon, by the way, we're going to be trying to put these words up on the screen so that you can help us - you can follow with us - ((French Spoken)). So - yeah, I think it may be a way to separate out and go forward on some of the procedural issues, because - and save the substance. It's at least a motion that might have some weight.

Konstantinos Komaitis: Thank you, Kathy. Wendy, being in the Council, what do you think, would that be a slight better way to Council to go, with process rather than substance at this stage?

Wendy Seltzer: Yes, I think that it's a good division to make and it helps us to focus our attention as well as avoid some of the concerns that we are - we'd be destabilizing things. I think we can focus on process and address some of the greatest challenges there, and that doesn't foreclose later reviews of substance, but it makes this one manageable and less scary.

Konstantinos Komaitis: Okay, so what sort of a timeframe are we talking about? I mean, what - some of these groups, NCUC, compromise. There has been some talk that we need to wait for 18 months, for example, before we start.

Shall, do you think we should just compromise, because we really want this to happen, or shall we keep on pushing and pushing and pushing until we get (unintelligible).

Salieu Taal: Salieu Taal, again. Excuse my ignorance because I'm not that much familiar with the complexities of this UDRP, but from a very general perspective, I'm very, very off tinkering with procedural steps, and we follow the substantive also becomes a substantial issue because procedure is not really sort of anchored on achieving the substantial goal of any given policy. So I mean, of course in my view, educate me about this, I'm thinking that there might be danger of keeping away from your real goal by adjusting the rules. That's my pursuit unless, of course, I'm (unintelligible) this one.

Wendy Seltzer: Thank you, Salieu. I think it's important for us in our discussions to keep a focus on the substantive concerns that we have, and I think that we find, looking at the UDRP, many of our substantive concerns are challenged by procedural problems. And so if we could, for example, keep the adjudicators separate from the complainants, that would help to address the substantive problem of adjudicators tend to favor the complainants because they are the same person, from time to time.

And similarly, looking at the balance or at the rights given to registrants, making sure that they're properly notified and have opportunities to respond, is a substantive concern that we can address through a look at the procedure.

Glen Reichart: Could anyone provide a summary of the argument made by those who wish to wait?

Wendy Seltzer: Thanks, Glen. The argument is mostly what is sometimes characterized as fear, uncertainty and doubt that we have something that is working acceptably. A review could do anything, so don't destabilize, don't rock the boat. And I think that they - that argument, I think, shouldn't be persuasive.

Glen Reichart: So maybe there's a middle ground here, which is that instead of asking for a complete review, we ask for a consideration of the adjudicator/complainant separation, which is the main argument that I've heard for a review. And if the issue is limited to that point, I would think we would prevail.

Kathy Kleinman: I think there are more points, Glen. You and Wendy point out a good one. The one that drives me absolutely nuts is that the same person has been brought in to judge over 500 times, and he only has one answer.

He never, ever decides in favor of the registrant. You put him in, you know exactly what his answer - he's made a fortune off of this. So when we wrote the URS, we wrote something where we have rotation of panelists, that you cannot continue to appoint the same person.

So I think there were a number of procedural things we thought about in the URS that were kind of clear when Konstantinos wrote his book on this, and he wrote on it. Where's your book, Konstantinos? You should be holding it up on the problems of the UDRP.

You tell us, there are a number of procedural problems. Notice is one, you know, certainly separation of those who judge and those who participate, but there are a number of them.

Konstantinos Komaitis: Yes, the UDRP, I mean, has a lot of problems. And as we said, they're both substantive and procedural. I mean, right now we're just trying to identify what is the best way to proceed in order to ensure that at least we start those discussions and we determine what are our next steps.

And my understanding from this room is that we would like to first, realizing all of the various difficulties surrounding the potential review of the UDRP as well as the resistance that exists, that we can start with the procedural and then move towards the substantive, please.

Woman: Just a question, from what I hear, all these changes don't necessarily require a change in the text of the rules, or are there any ways to work with the centers, is there any other way to implement a different policy or a different - or do these require a change in the text also - the rules? Because how do you appoint - maybe some supplemental things working with the centers - maybe additional support from ICANN, then.

Wendy Seltzer: Thanks, I think that that's a good point. We could try to coordinate with the Dispute Resolution Centers and see if - without additional contracts or rule changes, if they wanted to implement these provisions, I think that's a good suggestion to work on in parallel. As a procedural step for this meeting and this topic, I'd like to suggest that we form a working group among NCUC of those who are interested in the discussion of UDRP.

                  This would be an email exchange, perhaps with some Skype conversation, to formulate in the next month before the next GNSO Council meeting, a way forward.

Konstantinos Komaitis: Thank you very much. Wendy, I think that's a great idea. So the ones that are - the people that are present in the room, please indicate to me after this meeting whether you would be interested, and of course, you can be added.

                  And this will also be opened up to the list. It's better, of course, in these situations to keep these groups controlled and small because otherwise these calls have a tendency of going all around the place. So just to finish very quickly with the UDRP, I was wondering whether anyone has - who wants to make any comment on the GAC communication that - with the GNSO and

our, basically - the (severity) of the letter that NCUC drafted and was sent to the GAC was not circulated to the whole GAC membership. Kathy?

Kathy Kleinman: I have not read the full GAC letter and I've not even seen the NCUC response. I did talk to a GAC member that helped draft the letter, however, and they were not trying to hold up the UDRP altogether. There was a fight about that.

There were members in GAC who did not want a review at all, because they're listening to certain stakeholders that do not want to review these rules. But they said that's not the opinion that prevailed, and that in their minds, it's very clear in the last lines, that the UDRP review should take place, just not now. So if you want to go back to them with procedure, I think there is certain people we should go to and find out, you know, the people who -- anyway, there's consensus in the GAC that a review will take place.

Konstantinos Komaitis: Thank you, Kathy. Wendy? Oh, I thought you wanted to speak, sorry.

Wendy Seltzer: That's a very helpful point in our - how do we talk about this? We should recall that we do have some support in GAC and not alienate them by assuming that they are opposed to any review. We should welcome their participation in review.

Konstantinos Komaitis: Yes, and I would just like to clarify something that might have potentially came up - came across not the right way. When we say the GAC, that doesn't necessarily mean that it reflects the whole GAC membership. I'm sure there are GAC members that are very sympathetic towards the review, and as I said, I'm not even sure whether the whole GAC membership actually got its hands on the letter that NCUC drafted in response to the letter that the GAC, as a collective body now, sent to the GNSO. Please.

Woman: Just as a - pardon. Just as a context for the newbies, I think it was Kathy that
                         mentioned that one of the issues with the UDRP is notice, and in what
                         context did you mean that? Not giving notice in time, or just for my
                         understanding please, thank you.

Kathy Kleinman: I'm going to leave this to Konstantinos. Just so you know, I helped write the
                         rules, but she's the one who studied whether people are following them. And
                         so when - I always refer to his book.

Konstantinos Komaitis: Well, notice - the UDRP operates on the basis that a complaint
                         has been raised by a trademark owner because there is a domain name out
                         there that appears, or fears, as they say, confusingly similar and it is
                         infringing the trademark rights of the trademark owner. The problem now is
                         that as soon as this process - this procedural process takes place, by the
                         time - so the complaint has raised by the trademark owner, it has been sent
                         to one of the Centers, the Centers make sure that the fees and the
                         administrative issues of the complainant are compatible with what they want,
                         and then they send the complaint to the respondent based on the information
                         that they receive from the WHOIS database.

                         The respondent now, the problem is - and that's where the notice comes - the
                         respondent has only 14 days to respond to this complaint. If the respondent
                         forgets to respond within this timeframe, he or she is declared in default and
                         this has been interpreted, in the context of the UDRP, by the late respond
                         risk, that it means (aboutface). So for example, one of the issues that the
                         NCUC has always tried to raise is that the respondent that lives, you know, in
                         a developing country where an Internet connection is not stable or is on
                         holiday or the Internet has crashed, might be not - or the email has gone to
                         the junk mail, will not get that. So by declaring automatically someone in
                         default, and by only providing 14 days, automatically you create a process
                         where it is - you have unfair procedures for one of the parties.

So this is what Kathy is referring on the notice issue. Thank you. Okay, I would like to close the issue of the UDRP, and I would like to go to another big issue for ICANN, which is the WHOIS.

So I would really like, because we have Kathy Kleiman with us, who has been in the WHOIS...

Kathy Kleinman: Can we move to another point on the agenda, because I'm still trying to get stuff out...

((Crosstalk))

Konstantinos Komaitis: Okay, sure, yes. Then we can go - we can start discussing another big one, which is the naming takedowns, and I'm sure that a lot of you will have a lot to say about that and you have been following that. I think we need to start engaging in discussions.

ICANN has not officially invaded our workshops like the one on DNS abuse yesterday, but ICANN is starting slowly making this part of the various policy concerns. And I really think that there's a good window of opportunity here to engage, as soon as we can, in discussions because this is a phenomenon that is spreading and it's spreading very, very fast across the world. So I would like to open the room but before I do that, I would like to ask everyone to briefly introduce yourself, especially to other people that are here. Thank you.

Mary Wong: Thanks, Konstantinos. It's nice to see a lot of people here, on Skype, and I know that that's making a lot new friends' faces members, and of course, old friends' faces and members. My name is Mary Wong.

I'm a Law Professor in the United States but I'm originally from Singapore, and at the moment, I'm one of the Councilors in the GNSO Council, and I'm in

my second term, so I've been doing this for three years, although it seems like a lot longer.

Konstantinos Komaitis: Thank you very much, Mary. So I would like to open up the issue of domain name takedowns. And I would like to hear what your views are, how we can - what we need to do - what you feel we need to do in the context of ICANN, whether we - what issues, especially with domain name takedowns, we should be pushing for.

And generally speaking, I would really like to hear the views of the people here and also the people in the Adobe chat as to how we can start participating and becoming more involved and even putting pressure on ICANN to start dealing with this issue or, better yet, whether we believe that ICANN should be involved. I mean, this is - again, let's start with that question. So please. Wendy?

Wendy Seltzer: Thank you. I'll just add a bit more background to the discussion. The concern is that lots of people want to use the DNS as a place to solve crime or fight malicious conduct, which is sometimes even vaguer than crime. Somebody's doing something bad on the Internet, let's take their domain away.

And while we probably can agree we don't want the DNS used as a control channel for botnets and phishing attacks, there are other things that are much more questionable. In some countries, speakers who criticize the government are engaged in criminal activity by their government's definition. And the NCUC has always supported freedom of expression and the use of the Internet for non-violent communications, even when those pose challenges.

So we need to, I think, work with those who are talking about domain name takedowns to make sure that we can be engaged in the conversations with law enforcement and with those who are responding to law enforcement, because the registries and registrars and backend providers are facing pressure from law enforcement who comes in and says, "We need your help

cleaning up crime." And if they just say, "No, it's not our problem," they'll find new laws and - in the United States, even, we see law enforcement agencies seizing domain names and making mistakes when they do that.

So we need to keep these processes transparent to make sure that there are checks and balances so that when a name is taken, we know why, we have the opportunity to challenge it if it's taken incorrectly. So that all makes me suggest that we work with those who are also talking about domain takedown systems, work with these self-regulatory bodies like the Anti-Phishing Working Group, work with the registrars and registries to say we want to help you protect your infrastructure and protect free expression.

Konstantinos Komaitis: Thank you, Wendy. Anyone else, please?

Amrita Choudhury: Thank you, Amrita, from India. The domain name takedowns are definitely a new thing, a phenomenon which is happening. If we look at the Indian IT Act which has come out in 2010, it says that, you know, we are - many are talking about ISPs or any other Internet (unintelligible), it says that if the government finds out that there are certain sites which the government feels is not as per the nationalistic view, they are likely to be taken down within 24 hours. Now that's a very thin line as to what you call as nationalistic or anti-nation, because there might be different definitions of it.

It might be a political party trying to throw its weight. That's one part which really needs to be looked at as what do you define as something which is anti-national? It can be something that is - it might be curbing into someone's expression - right to express one's feelings.

Secondly, we are also seeing a trend wherein, you know, entertainment is a big industry in India. There are certain companies who are, for example, are promoting their movies. Now if someone else is promoting that particular movie, they are going to the regulatory authorities saying, "Please take down this site," or, "Block those sites."

You know, it's a catch-22 kind of a situation wherein there might be one company who's trying to promote their own Web site exclusively for that and wanting to take down other sites, and it's happened. So I think it's a phenomena which needs to be understood because there's a lot of dynamics going on behind it. There is stakeholders involved, possibly understanding all the perspectives and looking at it.

Konstantinos Komaitis: Thank you very much, Amrita. Anyone else? Please.

Salieu Taal: Salieu Taal, from the Gambia. The - I have the feeling that when we talk about domain name takedowns within the context of ICANN, we're talking about the bad guys, in the sense of those who are spamming and doing other kinds of activities which would affect the integrity of the Internet. But in my part of the world, like, my sister has a site - we have a completely new thing happening where takedowns are effectively as Wendy has alluded to - takedowns are effectively done by governments to stifle the freedom of speech.

And of course, technical - this is not really a matter of ICANN, and it can pose a lot of political problems for ICANN, probably at the GAC levels. But I think ICANN has to find a way of cleverly tying the access to information as a right, because with the mobile Internet, it means everyone has the right to access. And who is to determine what is bad?

That's a very selective thing. I mean, in my country, I mean, I cannot access any Web site that is critical to the government. So I mean, here, I have limited - I mean, I can do it, because I know how to do it, because I go to (process) servers.

But in my country, you cannot have any - access any Web site that criticizes the government. And ISPs and mobile providers with 3G block all those Web

sites. So if you are in the Gambia, my country, you cannot go on, let's say, there's a site called www.freedom.com about Gambia.

You cannot do it, unless you know how to go through - (unintelligible) so on and so forth. So I think that seems like a new paradigm that has to be looked at critically and you would have to find the (unintelligible) of integrating it within the framework that exists. And I'm particularly interested in this individually as it affects me, and I think the next frontier of empowerment in the Internet, and I want to do everything to ensure that, I mean, the Internet is free for all and we have the right (unintelligible). Thank you very much.

Konstantinos Komaitis: Thank you very much. This is - and thank you very much for sharing, both of you, your own personal experiences and what is happening in your countries. And you're very correct in that we should not, in the context of domain name takedowns, we need to separate those, you know, the technical ones and the more - and the ones related to content.

And - but the issue that both from a technical point, if you want, from a content point - of the takedowns is not one of the best systems. However, you hear especially in the corridors of the ICANN communities that registries and registrars have engaged in domain name takedowns long before this issue became an issue or it was to our attention. So basically, we need - I feel that we need to identify ways that would allow us to find a system that ensures that free speech is protected.

But at the same time, child pornography and phishing activities and financial crime - I'm repeating right now basically the arguments that we hear why these takedowns are great. So we can actually tell them that we understand why you do it, but you also need to ensure that free speech is protected and the content is secured and information is actually disseminated across. Please, Wendy and then Kathy.

Wendy Seltzer: Thank you. One of the things that NCUC can bring to this discussion is the examples of the places where takedown has harmed end users, individuals, political discussion, and it would be excellent to get your help in documenting these problems. Because I think then the next step is to help the community to differentiate between legitimate uses of domain takedown and illegitimate. And one of the best ways to build that differentiation is through examples of what falls on one side and the other, and then, are there technical means that we can use to draw a distinction so that we're not building tools that will be misused to block speech.

Konstantinos Komaitis: Kathy? Please.

Salieu Taal: Just from a technical point of view, sometimes, like, in my country, you don't have takedowns, but you can't access the Internet - the political sites. So I don't know how you will fit that in. It's not - the site is, I mean, hosted maybe somewhere else, but you can't access the site. So I don't know how that fits in.

Wendy Seltzer: So are you saying that there's (unintelligible) filtering and - do you know where that filtering is happening?

Bakary Njie: Okay, good morning once again. My name is Bakary Njie. I'm also from the Gambia and several securities is really also interested in together with Internet governance. What he's saying is true, that we're experiencing blocking of certain Web sites.

It's really the Web sites that are identified by the government to be critical. And I think it is, you know, done at the country level, you know, because when you go to a country who have a public telecommunication company that is responsible for the internet so the filtering is done at that telecommunication company.

Yeah. Thank you.

Man: Thank you.

Man: Please.

Man: Please.

Ayanna Samuels: I am just weighing in because I've been hearing -- Ayanna Samuels from Jamaica -- I've been hearing discussions about this since yesterday and I felt very moved towards it too. Salieu had said that perhaps on the takedown to block freedom of speech side of things we may get in trouble on the - we being ICANN with regard to the political implications. But I see the glass is half full in that regard.

And I think the concept of power that ICANN has as an international organization from which all countries can benefit, we could use that once we have appropriately, as Wendy said, determined the definitions that we'd use to describe both sides of either the filtering that we think it inappropriate. We could use the -- what would I say -- the weight that we carry because of our stance to allow people to realize that it - the benefits that they can obtain or will not be obtainable if they would - if they continue to do these things that are obviously self-serving.

So I just wanted to kind of have that lens on as we move forward with this and not have an interpretation with regard to, you know, political negative backlashes that could come because once we start going that road - down that road I think it can be self-defeating.

Man: Thank you. Go ahead.

Man: Sorry. I'm a little bit talkative here so - I mean I'm passionate about this.

I mean first of all I could actually - what I'm talking about here could actually land me in jail in my country for information so for you to know that - how serious it is. And people have been taken to jail in my country for subscribing to a particular website. And everyone on their mailing list was literally taken to jail I mean. So it is a very serious business.

And we - but I'm very much involved in technology in my country and work with - I work very well with the government. But from a standpoint of trying to effect change in their mindset because in my (unintelligible) if you don't do that you have to be leaving - I have to leave - I'm out of the country basically. I have to go in exile.

I think - I believe in changing by being there rather than leaving. I can leave anywhere I want to if I want to - if I do.

I have to disagree with my good friend here. Having a little experience with dealing with governmental agencies sometimes you have to look at the political realities.

It is not so much so seeing a half-empty or a half-full glass. I mean at the end of the day you want to achieve a result. So (unintelligible) problem on (unintelligible) potential challenges that move to us in solving problems. And just like an international political system I mean we have a lot of moral crusades and fights that are not won because of political facts.

So my point is GAC is a body of government. And each member represents a particular interest. And that interest may not be in line with one's opinion of the public good.

So even some of the problems we have in ICANN, I mean the latter, I mean it's from that we are thinking. So going forward with this kind of problem also need to be cognizant of that fact. So at least we know that one, need to lobby and network intensively and two, need to realize that not all those people

have the mandate even to sort of talk about these things because they are the - at the call of the government and beck and call of the governments.

Some of these governments are present governments. Some of these governments may have the title democratic but they are not. They have elections but they are not democratic.

So that was my point of view. But I am very optimistic about this thing. I think, you know, change may not come very fast but once we start with one, once we can - (NPH) is even thinking at some point we'll get there. Thank you very much.

Man: Thank you. Kathy.

Kathy Kleinman: I think you're right. I think the GAC members here are not necessarily the people who are negotiating these issues. And in fact I wanted to raise that I'm not sure ICANN is where the stage is on the takedown issues.

There are some discussions. Every ICANN meeting there is what's called the DNS Abuse Panel so abuse of domain names.

I understand yesterday that, you know, there was law enforcement, there were some people urging due process and there was somebody from a South African public interest group. I wasn't there because I was in another meeting.

But the decisions aren't being made here, guys. And the major arguments aren't being made here. This is meant - this is out - this is viewed as outside the mandate of ICANN whether that's true or not.

Registries exist within countries. And those countries want to exert jurisdiction over the domain name for those registries.

So for example VeriSign exists in the United States. And there was an early argument not by the U.S. government but by some in the U.S. government that the United States would have jurisdiction over the content of every .com domain name. And some of us went and tried to explain that that was completely insane because people register .com all over the world and you can have a business in India catering to Indian customers under Indian law that may or may not be legal in the United States.

For example in - one of the big issues now is what's called rogue pharmacies, pharmacies that are not distributing legal materials. In the United States we have great regulation in this area. We require prescriptions. We limit what can be distributed greatly. Other countries you can walk in to a pharmacy and buy a medicine that I would need a prescription from my doctor for.

So we pointed out to some of the people that an Indian pharmacy, very legitimate, could be completely operating under Indian law and not be operating under U.S. law and not care because they're not selling to the United States but they're using a .com. Wherever you have - and then people's eyes open up.

They don't think about - they think - these are all very good people. They're seeing a lot of problems in front of them. There is illegal activity taking place online. There are people selling rat poison as medicine. And I'm told by law enforcement there are people dying all over the world because of this.

I get it. There's a problem. But the more we can go and educate our own law enforcement people within our countries that just because a domain name comes - registries will now exist all over the world with new gTLDs. The market is worldwide. It doesn't mean that they're all selling worldwide. And this idea that what's legal in one country may be illegal in another and we have to protect that right to do what's legal in your country is one we should all be sharing.

But one of my questions is one, what can we do together; what's our role here at NCUC because most of the - these discussions again are not taking place here. And the other is I wanted to share that there was a victory on this.

Nominet, which is .uk, United Kingdom, had been having a debate on a takedown policy. And it's not done yet. They're still working on it.

But they and others of us worked with their law enforcement agency called SOCA, the Serious Organised Crime Agency in London. And we spent a long time talking to SOCA and SOCA listened. They were very good. They listened.

And we said our problem with takedowns is free speech, that what is legal in one country is not legal in another country on speech. What is, you know, legal in the United States in democracy is not legal in China.

We said we don't want you to touch that. That's different than selling rat poison as medicine. We said this is very different. We said if you can, stay out of it.

And it looks like the Nominet takedown policy -- they're still negotiating -- will not apply to speech and human rights issues. So you can have - and I saw that and I said okay somebody was listening.

So good luck around the world. NCUC may be a place to share information. The question is what can we do here together if this is not - if ICANN is not where this debate is really taking place.

Man: Thank you, Kathy. And actually this is the most important question that we need to try and answer. What can we do since ICANN appears to be washing its hands of that? It is an issue that it is growing concern. And it is of great concern to all of us because of the free speech implications.

In addition to the Nominet policy I will then select - direct your attention to the Council of Europe and the declaration and the protection of free speech and the freedom of association and assimilation to the many means. And the Council of Europe and especially the director of human rights seems to be becoming more and more concerned about what is happening with the domain name takedowns. And we want really to participate.

But going back to it what do you think we can do? I mean we've heard a lot of concerns being expressed. And we've heard some pretty bad cases that are taking place in various parts of the world. So what can we do in order - I think so you see as noncommercial users in order to be able insist these parts of the world all generally speaking participate in the - those fora where these options are taking place?

Okay.

(Jamal Ultima):   Good morning, everyone. I am (Jamal Ultima). I'm from Haiti. I think that it is a big concern, I mean as everyone has heard about around the world.

I think that we have to be realistic. It's - we have to - I think that we have to involve like a local government to get to know about the other things.

And we have seen how things have changed. And I think that we - I'll - like organization, ICANN and other organizations supposed to work not as universal solutions about that.

It's - what is happening in China, it is different than how it is happening in the U.S. What is happening in Africa is different.

And so we have close to really a Cuba dynamic in front of mind. And we could - that we cannot access to (unintelligible) inner the time. Or you cannot surf over the internet all the time in countries like that. That - we have to see how locally we can provide a solution.

It's not like thinking on how the solution can form like - on a variation. But we have to work with the local government and to meet them and to explain to them how the internet can change - like how internet can provide like (unintelligible).

And it's - I think it's very serious. It is one we talk about speech of freedom, what is the definition and what is the definition we have of it in India, in China, in some of - some part of the world that we have to see locally how to define, how to provide solutions.

Man: Thank you. Please.

Man: My good friend has said some of the things that I was going to say so I will not bore you with them. I think he's right in the sense that we must not sort of make the same mistake the international political system has made in even bringing this up, having (unintelligible) concept of human rights. Therefore some people say who are you to go and (unintelligible) Qaddafi, you know, right or wrong.

I think the constituents -- and I mean those - the Chinese or the Africans or the Indians -- who are victims of these oppressive regimes or whose rights are being infringed need to be empowered and given the tools so they can actually - the whole - they can take ownership in whatever system will be put in place.

I think when people take ownership in something they will believe in it more than when it's - even if it benefits them and is brought to them sometimes there's the sense that it's some kind of cultural imperialism is being - they're being told this is the thing, this is how you do it.

I think that (unintelligible). But it's a very delicate balance. But I don't have the data. I'm - maybe I'm a little - I'm privileged in that - in the sense that I'm

(unintelligible) educated and exposed not to worry about whose idea as long as it works. But the majority of our people are not educated in that way so they will not - they'll see it differently, rightly or wrongly.

So it's very important to know how you can cascade these ideas to a grassroots. I think one of the ways is by empowering those within our site who are meeting or trying to help enlighten their people to understand that it is their right to communicate freely on the internet and also help the policymakers within government.

For example you - in ICANN you have somebody from (unintelligible) who - in - who will control the internet. You might have someone from the Ministry of Information from different countries, perhaps from the university.

These are all the stakeholders who implement policy in their country. So knowing that we will really have to sort of empower or build their capacity so they can help sort of trigger a change in the mindset.

But these are also guys who will be the future leaders of their countries in different ways. These are the ways where I can just provide a platform through which then can go through people respectively.

Thank you very much.

Man: Thank you. I have Wendy, (Rita), (Wijay) and - sorry, I don't remember your name.

(Marup):   (Marup), (Marup).

Man: (Marup).

Wendy Seltzer: I will let some of our other participants speak first.

Man: Okay. Thank you, Wendy. (Rita) then.

(Rita):   Thank you. What I feel is your - since ICANN is always an apolitical party who has, you know, who works with everyone be it the government or be it the people because obviously you have to work with governments, no two ways about it what, you know, can possibly be done is the, you know, to have some kind of reports or whatever information is coming in from the different parts of the world on the issues.

You have those kind of statistics which possibly can also be shared with the GAC members who can then go back and possibly share it with their own governments because the officials are actually taken by governments. like, you know, these are the kind of people or this is the kind of business loss you're having because they do understand numbers too or this is what you're losing. Possibly that triggers a lot of back work for the government.

Secondly most of the emerging nations today are forming their policies. Now when the policy papers are out the representatives who are members of ICANN can take, you know, an initiative to actually give their comments on the policies because that's when you actually can do something.

For example India's having the national telecom policy or the (IT Act). Now whoever is involved from any of the constituencies of ICANN can share their views. That's when, you know, you can - you have a voice. I feel you have to work with the governments to actually make them move.

Man: Thank you, (Rita). (Wijay).

(Wijay):   Well I think we now talk about what would be the realistic solution to solve these kind of issues. And I understand, you know, Haiti, (Bujanpol) can't meet a member of this (unintelligible) internet governance forum and also Gambia I think. African Nation you have this. Africa is not governance for them.

Or you can't meet with government representatives in a very sort of, you know, closed manner because in ICANN it's a little bit difficult to inject between the stakeholders even though in principle we are supposed to do that. But in reality it's a little difficult to close each other.

But I think a foreigner like IGF showed you can address these issues in some kind of - I don't know whether it can be a workshop format or a panel kind of format. But when you do that I mean you can kind of invite government representatives to the panel together. So you can kind of discuss this and announce more specific solutions.

Man: Thank you, (Wijay). Thanks.

Man: I'm from Somalia. I'm going to talk today in French. Can you translate this?

((Crosstalk))

Woman: I think - no she said that she (unintelligible) first. I think you can...

((Crosstalk))

Man: ...for this one.

Man: As you - she wants to approve a ((French Spoken)) for an example. I'm sorry. I'm the first time in (unintelligible).

((Crosstalk))

Man: Okay, thank you. So you think that we'll have to address this problem like (unintelligible). Yes. So our...

((Crosstalk))

Man: ((French Spoken)).

Man: Yeah. We do. We (unintelligible). I think you - yeah. That means to ideally problem has (unintelligible) like group of countries with the same problem.

Man: ((French Spoken)).

Man: Country from the same regions, from the same zone to address this problem together.

Man: Okay. ((French Spoken)).

Man: That for instance like the international organization.

Man: Thank you.

Man: Thank you.

Man: ((French Spoken)).

Man: ((French Spoken)). Thank you very much for the translation. Wendy, would you like to say anything?

Wendy Seltzer: Yes. And thank you for all of the ideas around the table.

                 What I might suggest - I'm hearing this is an excellent place for information sharing but a lot of the solutions to content blocking and domain takedown will come from local organizers and dealing with their particular legal regimes and their particular communities. So I think we would like to help facilitate the sharing of information, the coordination, the sharing of best practices in the Adobe chat. People were talking about can we tell the story of the Nominet policy more widely and help others to reach good policies based on hearing from the freedom of expression concerns.

And then please come to us at NCUC when we can be helpful, when you need - when you would like to have the support of our - a larger international group. We may not be able to sway all of ICANN. But the noncommercial users' constituency strongly supports freedom of expression.

And where our academic experts can be helpful we now have - as (Titi) was noting we now have academics in lots of different regions who are studying those problems. We have people who are working in engineering and IT in lots of these regions. Let's use this network where we can.

Man: Thank you very much, Wendy. Anyone else would like to add in. Kathy?

Kathy Kleinman: I'm typing while - ((French Spoken)). Okay.

So I agree with everything Wendy said. I thought that was a great summary of what we've been talking about.

There is one more group to talk to. We've talked about coming together as a group with other public interest groups. We've talked about our government leaders. Talk to your registries. There are - every registry and registrars, all of them.

So if you know - like your country code is probably thinking about takedown policies. Talk to them. gTLD registries are definitely thinking about it.

All the registrars are getting pressure. All the ICANN-accredited registrars are getting a lot of pressure to do private takedown policies.

One of the things that's very interesting is to go up to a registrar -- and I've done this -- and said I'm your customer; I'd like some procedures, some due process before you take down my domain name; if you're going to take it

down I'd like to know what the rules are for taking it down; I'd like to know what notice I get; and I'd like to know how I appeal it if it's wrong.

We're beginning - we are at the very beginning of this process. We are going to set the rules and the protections and the due process for all to follow if we can get some good registry policies like Nominet's.

If you can each do it in your own countries then we can use those to show to other registries and say look, there are some very good protections here in this country; why don't you think about it.

So does everybody talk to registries and registrars?

Man: Hold on.

Man: Yes please. Go ahead.

Man: I'd like to make a point in that you have to see how the message is - like we see in the country. And sometime you have like the U.S. and oh, the European - some European countries. And I think that there's a different way to talk about freedom like in Nigeria, like in Africa.

So if you have like the - Mrs. Clinton, the Secretary of the United States then I think that when she speaks about like freedom in Africa that can make the global and the local government afraid of internet. It's because they tend to think that internet can bring change and you know that the region do not want people to get involved in what information can do.

So I think that - so we have to see it as an organization because then when it is a country talking about freedom about internet the message can be like reason to put by the local government. I think that - I know how powerful is the power of the United States in that - and some European countries. But we

have to think how an organization - how the organization can bring the message to the local government.

And sometimes issue the politics and I just heard another one where the Chinese government tell about that freedom and that soon that the U.S. have and is part of their freedom. And they have that point of view.

So that means - so we can - you have politics. But we'll have to see like how ICANN - how the international organization like IGU, like the U.N., like ICANN can bring together a solution or can send a message to that government.

Man: Thank you. Please. It's working.

Woman: Okay. Thank you. I think coming off your point I wanted to just readdress the point that had been brought up earlier when Salieu had responded saying that he had disagreed.

I think that I actually agree with everything being said. And I had mentioned it to him privately. But in coalition with the international organizations that carry their region to (Rita)'s point about showing the governments hard numbers on paper, the tangible evidence of what they would stand to lose both I think economical and maybe in terms of public will which both are important because both help to get you votes.

We can be the (unintelligible) that we work with to get the kind of solution that we want. So yes I'm aware of the political realities that exist but sort of despite that, you know, we still want to move ahead in the way that we have discussed which is important because we still want to get to the finish line that we need to have happen.

Okay. Thanks.

Man: Thank you. And (unintelligible) said we can comment on this issue of domain name takedowns.

Okay. Then we can go to the next and - topic very briefly before we go on to a very brief break. And the next topic is the outreach taskforce on what the Whois issue after the break if that's okay, Kathy, because I'm sure that it's going to open a can of worms.

So I will ask Robin Gross, who is the (unintelligible) issue as well to give us a little update on this outreach taskforce working group. Thank you very much, Robin.

Robin Gross: So ICANN is particularly keen to reach out to new participants and really trying to engage new people to participate in the policy development process who haven't yet participated at ICANN. And so one of the ways this is manifesting itself is through the creation of a GNSO outreach taskforce focused on global outreach.

And so there was a motion in the council to create this global outreach taskforce. And it passed.

And so in the next - in the coming months this taskforce will be created with representatives from all the different stakeholder groups and constituencies and interest - various interested participants. And really the goal is to try to figure out ways to facilitate new participants, people from developing countries in particular, other parts of the world or other groups of people who haven't been traditionally represented or very much engaged at ICANN to really try to bring them into the policy development process.

So I just wanted to raise this issue that this working group would be starting in the next few months and, you know, try to see if we could get some information and share some ideas that we could take back to this working

group or perhaps there are people here who - in the room who want to participate in this working group.

But really, you know, the idea is how do we get more participation, new - newer members in the ICANN policy development process. So if anyone has any suggestions or is particularly keen to participate in this I think it would be really helpful to have people in different parts of the world in particular who would be willing to participate and offer their expertise and facilitate connections with different groups and participants in their particular area of expertise or region of the world.

So I just wanted to briefly announce that this working group would be - or outreach taskforce would be starting and see if people here had any ideas or suggestions or were particularly keen to participate themselves. So that's the brief introduction. Thank you.

Man: Thank you very much, Robin. And before I give the floor to the people here I would actually like to repeat and encourage people to participate in this group. It is very important that we engage as many of you as possible even though that it is very difficult.

We acknowledge all of you have other jobs that you're getting paid to do. But I truly also believe that this is a great opportunity in a very - in a space where there is issues can be had - where issues can be raised. And we unfortunately cannot do that if you don't participate. So if people that are interested in joining this group, joining these forums you can let us know and we will automatically let you know as soon as we get notification. So please.

Man: Thank you very much. Firstly I'd like to (unintelligible) for this new group. And I'm very - I mean this - I'm a - this is my third time in ICANN but my second time as a fellow. And I was the first honorary fellow in ICANN. I have that title.

Yes. I went to Brussels on my own cost just to see how it was. And I was allowed to be part of the fellows in Brussels but how I knew (unintelligible).

And then I met a lot of people. And I've since been very, very passionate about ICANN. And I'm not that experienced but I hope to learn from you, all you smart people.

And I think the fellowship program is a good vehicle to - for outreach purposes. And it doesn't really cost hardly anything because we're already where we are.

I mean I can - my government brought me here. (Unintelligible), you know, the membership in Gambia. It doesn't cost you - it will not cost you anything really. We also have a - our board director, (Kathy), who's from Gambia.

So I mean I think if you can look at different reasons, different abilities, as far as - there are about 30 fellows this year, another huge element I (unintelligible). And I think that's a good way of really reaching out different areas of the world. (Unintelligible) is like United Nations if you look at it.

And we know ICANN has constraints and concern - priorities. And that has to be recognized and (unintelligible) envision. And I think the fellowship can be a very good tool.

And we as fellows, we can do our best because we are ambassadors for ICANN. That's how - little ambassadors I would call ourselves. And we'll definitely help in this worthwhile endeavor. And we just need to be given the tools and (unintelligible) ideas.

And we'll, you know, we'll organize something else and (unintelligible) because one thing that ICANN is, ICANN is sort of like an esoteric organization. We believe one thing about ICANN is sort of an esoteric organization. If you looked in most countries how are some of them don't -

many of them have - 80% of them don't know what ICANN means. You go to Gambia maybe 95% don't know what ICANN is.

I mean because domain name restriction are still a very technical thing. So we need to give ICANN more of a human face and not a place where like with my country just hang out and talk about DNS second, so on and so forth with respect of course.

I think that ICANN is a very beautiful organization. It has a very unique structure which can be operated in many other instance. And I think the fact that it brings so many people together with - who are doing it voluntarily is something - is a good example that can be spread around the world. And by the same token we can also push our agenda forward.

Thank you very much.

Woman: I second that emotion especially with regard to drumming up foot soldiers on the ground, you know what I mean, because there are many people back in our countries that are waiting to hear what it's about and, you know, you've got money to go as a fellow, let me know what made it worth it - worthwhile. And so we can certainly commit to that.

Man: Okay, absolutely. Thank you very much. Anyone else? Please of course.

Man: Yeah. I think that my - I'm a - I'm - you know already that I'm a fellow.

I think that ICANN will have to see like - I'm a - I am (unintelligible) and my friend from Gambia and (unintelligible) from Jamaica.

So we could be like - there may be a tool to bring information to the preparation to professional association and to organize ourself. And - but sometimes it's very difficult in the developing country because like you have to take your job some time if you're familiar with other things. And that could

be difficult like we - it's - everyone cannot like have access to internet and to an organized virtual community.

So like I'm wondering how ICANN can like - I know that we are - I don't know. We have to get involved to make things happen. But sometimes it's difficult.

But I am thinking how ICANN can encourage people to - the local association to get involved because when ICANN spent like lot of money in financial program. And after that they (unintelligible) ICANN hasn't done any country. I think that there is that.

So how can ICANN use the (unintelligible) to bring the message to the people? I think that that will help because it is - like we have the consumer, we have the provider but we were in the middle.

We can talk to the consumer. We can talk to the provider. We can work together to have things done, to change things. But sometimes I have to tell you it's difficult. We have to find a way to encourage program like to get everyone right to get to make a meeting to be an ambassador.

Man: Thank you. Any other comments? Kathy, please.

Kathy Kleinman: Just great thanks for the volunteers and a note that you have two volunteers online. (Titi) and (Alex) have volunteered to join the outreach group also.

Man: Awesome. Thank you very much. Anyone else? Any comments on this issue?

I will ask the - for us to break, to have a short break for 10 or 15 minutes and we can resume at ten past 11:00, ten past 11:00, quarter past 11:00. Thank you very much.

Operator, can you please stop the recording?

Woman: Maybe we could...

Man: Thank you very much. Okay we'll resume this meeting. And I will be
                (unintelligible) because there's been - various people approached me
                concerning how they can become members of NCSG. I would like to ask -
                can I ask...

Woman: Can you give me a minute now?

Man: Okay. I can give you a minute. At 12:00 - sorry, at 11:30 as I said we're
                expecting the nominating committee to come and speak to us. And one of the
                issues that the nominating committee or the main issue that's the nominating
                committee wants us to discuss and address is the certain priorities
                noncommercial users are looking for the new CEO, what we would like to see
                the new CEO have.

Man: The nomcom?

((Crosstalk))

Woman: No, no, no.

Man: The board, GNSO.

Man: Oh, sorry. Yes, for - yes, yes, sorry, from the board and yes, from the GNSO.
                So sorry, I'm so sorry. I'm confused.

Woman: (Unintelligible).

Man: So please - and if you have any news that you like to be put forward every -
                anything you see, representative in the nominating committee is not here for

Farrell, Maria. And as early this morning she will be joining at some point but I'm pretty sure since they're already jetlagged.

But please if you have news then just tell myself or to - and I can forward them to Maria and Maria can see it or the nominating committee that will be coming in just...

((Crosstalk))

Man: Okay. Yeah. Okay.

Woman: (Unintelligible).

Man: To the (unintelligible) members my understanding is that you become members through the existing - there is a form that you need to fill out which is somewhere on the ICANN website. When I - when Avri comes back we will be able to just show you exactly where it is.

And please, please do join. I mean if you like what you hear and you're interested in the issues that we're discussing please join.

It is a great stakeholder group. There are a lot of different opinions and I (unintelligible). So - yeah so please try to join.

Now that Avri's back, Avri, I was wondering whether you can help us identify where the form for membership in the NCSG please.

Avri Doria: There isn't one. This is Avri. We need to get one.

But in the meantime basically what has been up on the NCSG page is basically send a note to the NCSG executive committee at n4c.eu basically just stating the basis on which you qualify for membership. Either you're an

organization that has or that does. So if you look at the NCSG page it basically refers to.

Several times there was an effort made to get somebody to create a form. But nobody ever did. So that is a unfinished implementation detail that is left for the next NCSG chair.

Man: Thank you very much. About...

Avri Doria: And...

Man: To post it up there.

Avri Doria: Okay. I can quickly write it. I know it really well.

Man: Okay. Thank you very much. Avri, please note this in your entry concerns please. Please note this address in the (unintelligible) to NCSG and the executive committee (unintelligible) ncsg-ec@n4c.eu. So...

Avri Doria: Yeah. The practice so far had been for me to, as chair, to send an acknowledgement at - once it was received and that one of the NCSG EC members would basically then be responsible for communicating if any extra information was needed, to give updates on status or what have you, to follow through with the membership.

As I said the - and the charter is online on the NCSG wiki. And I'll write in the email - I mean the URL of the wiki once I stop talking and so people can find that information.

And the charter is quite explicit about what the requirements are for membership. So as long as the note includes a statement as to why I'm sure that the new NCSG will - executive committee will be able to process them quickly and easily.

Man: Thank you very much, Avri. Any questions? (Unintelligible). No?

Okay. Well we have a couple of minutes then before the nominating committee arrives. I am not sure whether it is worth discussing now, the Whois, given that we are going to be interrupted by the nominating committee.

So do (unintelligible)? Okay.

Yes. I mean we can start but in a couple of minutes the nominating committee is coming so we will have to resume that, Kathy, if you don't mind.

Kathy Kleinman: Shall we start? There may not be...

Man: Yes.

Kathy Kleinman: A huge amount. Okay.

Man: Please. Do start. And then, you know, if they come we can resume. Thanks.

Kathy Kleinman: Let me see if I can copy some things. Okay. Again this - for people online this is Kathy Kleinman.

And I'm trying to post something to notes. There we go.

I'm about to use some acronyms. So let me...

Woman: Push it back up.

Kathy Kleinman: Oh. Sorry. You can't see it.

I'm giving an update on the Whois review team. The Whois review team is a global group that was formed under the Affirmation of Commitments. And our job is to review ICANN's Whois policies, specifically taking into account the legitimate needs of law enforcement and consumer trust.

We are very diverse. We come from Russia, Australia, Austria, Germany, Brazil, the U.S. and other places. We come from all the communities, all the constituencies of ICANN so intellectual property, noncommercial, registries, registrars as well as all the supporting organizations, the direct supporting organization, the GAC, the ALAC. You know? Everybody's there, advisory committees and supporting organizations.

Whois, for people who don't know, has to do with data. When we register a domain name we give a lot of data to the registrar. You know, if you're registering a new gTLD it's always to the registrar. That includes billing data. It includes where to find us.

A certain subset of that data is published in what's called the Whois database. We've all seen it: the name of the registrant, their address, their phone number, their email, same for the administrative contact and the technical contact.

When you go back historically to find out why this data was there it was pretty much to find the technical contact. If there was a problem with the domain name or the website you wanted to find that person.

We've got the nominating committee here.

Man: Okay.

Woman: (Unintelligible).

Kathy Kleinman: That's the background. We'll fill you in on the details later.

Man: Kathy, do you mind if we just allowed the nominating committee to just (unintelligible)?

Kathy Kleinman: I think our guest members should wait. No, just kidding.

Man: And then we can resume (unintelligible).

Man: Okay. Would anybody from...

((Crosstalk))

Man: Do you want...

Man: (Alexander), you come and sit here.

Woman: Yeah.

Man: Yeah.

Man: No we're good.

((Crosstalk))

Man: Okay.

Man: I'm sure.

Man: (Unintelligible).

Adam Peake: You know, we don't have any slides to show so that's...

Man: Oh you don't? Okay.

Man: Yeah.

Man: That is very good. So I think first a little congratulations (unintelligible) noncom chair. And I'll pass the microphone to -- I'm not sure -- Adam or...

Woman: Yeah.

Man: You, Adam? Okay. Then Adam, the floor is yours.

Man: Good morning.

Man: Good morning. Thank you very much. It's recorded and remote access so we need the mics. Good.

Man: (Unintelligible).

Adam Peake: Yes. So Adam Peake and I'm the current nominating committee chair, Chair 2011. With me is Vanda Scartezini who's the incoming Chair 2012 and Rob Hull who is the chair elect which will hopefully mean Chair 2013. But we will - there are procedural issues that we - which are - well the bylaws are always fun.

                And - but the reason we come today is mainly about the accountability and transparency review team. And if you're - you followed that document then there are recommendations from the review team about the nominating committee and how we should be better-informed about the skillsets required of directors.

Man: I'm sorry. Because we have a lot of new members in here can you please give a very brief of the history...

Adam Peake: Of the nominating committee?

Man:				Of the nominating committee and also of the ATRT.

Adam Peake:		Okay.

Man:				(Unintelligible). Thank you. Sorry about that.

Adam Peake:		Yes, certainly the nominating committee. So the nominating committee was put in place to select over a three-year period 50% of the board of directors. So we do that on a rotating basis. We also select members of the GNSO, the ccNSO and the ALAC but not a majority of those positions.

				So the importance of the nominating committee is to try and bring in directors who are independent of the supporting organizations. And we do that through an open recruitment process.

				Two thousand and eleven for example we began with a call for statements of interest which means applications essentially. It's an open call that began in December and ran until April of this year.

				The committee then sits and evaluates those applications. And we in June met and appointed two new directors who will take their seats at this meeting, two new members of the GNSO council. And how many of the rest was it?

Man:				One.

Adam Peake:		One ccNSO and three ALAC. The process is global outreach. The nominating committee itself has over - I think it's 21 members. The NCUC, Maria Farrell was the representative, your delegate to the nominating committee.

				The other constituencies, the GNSO, the ASO, the SSAC, to secure all of the different organizations that you will - you'll hear the acronym - the abbreviations of because I would (unintelligible).

And over the years in ICANN all the community basically sends members to the nominating committee. So it's a large committee, very diverse, regionally diverse and diverse in its sort of representation.

So that's the nominating committee.

The accountability and transparency review team is - well as the name suggests it's trying to improve the accountability and transparency of ICANN. And it's particularly focused on the board of directors.

The accountability and transparency review team takes its mandate from the Affirmation of Commitments which is the new relationship between the United States or between governments and ICANN. And that's also focused on directors which is why we're here asking you primarily about the qualities of directors of the ICANN board. That's because the terms of reference were written in such a way.

So our request today is to ask you what do you think are the skills required of an ICANN director. Is it that they understand the public interest? Is it that they have experience as a board member of an international organization? Is it that they have financial skills? Is it that they are many, many things?

So that's the first question. And that is the requirement of the formal review team.

There's a secondary request which is can we do the same thing for the GNSO, the ccNSO and the ALAC. That is not part of the formal ATRT review. But of course the nominating committee does select people for those positions. So we would also like your opinions about that.

That's not formally part of the ATRT. But of course the nominating committee needs that information.

And this will go forward for Vanda and Rob and their team this year to inform them in their selection process, well first of all their recruitment process and then their selection process, hopefully providing, you know, directors and others who are even more suited to ICANN.

So really it's a question, what do you think of the skills needed of a good ICANN director, Question 1, and then expanding on to the skills of the GNSO, ccNSO and ALAC. I...

Man: If I could just add...

Adam Peake: Of course.

Man: Sorry (unintelligible).

Rob Hull: Hi. I'm Rob Hull. I'm the chair elect. I'll chair the 2013, the next one after Vanda.

I think it's important not only to tell us what you do want in directors and GNSO. I think it's also important that you tell us what you don't want.

So the example I can give you is in previous years we've been told for the board positions that what they don't need is a lawyer or an accountant specifically. They need a broader skillset.

So we shouldn't be trying to find just someone that understands how to program, you know, in C#. They need a coder. They need a higher level than that.

They have access to a lot of that expertise. If they need it they can ask an expert to come in and talk to them about TCP/IP if they need it.

So it's often important not only to hear what you do want but what don't you want. I think that's very relevant in terms of the GNSO seat because if you keep in mind we pick what is the swing vote in both houses.

So I think I'd like to hear a lot if I could about the GNSO seats and specifically in your house because as of - well it was supposed to be of Vanda's year and it's turned out to be now as of last year -- because they changed the bylaws on us mid NomCom.

So we started under the old set of bylaws -- finished under the new, which is part of what's caused some of this confusion. We will be appointing our representatives -- our selections -- to individual houses.

So we have to pick which house they go into now, or the non-voting seat, as well as picking the person. So that's a new thing that we've had to do this year for the first time and we'll do more formally under (unintelligible) NomCom.

So I think that's important as well, because we're picking - a criteria of what we want for the person in your house could be very different than the other house. And so I think I'd like to hear as much as I could about that.

Woman: Okay. (unintelligible).
(Unintelligible) of the newcomers that we need your help for outreach, you know, you know, community, your fellows, friends around the world really to have more candidates (unintelligible) here for about the (unintelligible) of eleven councils.

There is a lot of people who have, you know, good profiles for many positions. And there (unintelligible) outreach to convince people to apply for many position is quite important, because we need to reach those people around the world that can add value to our work.

So thank you.

Rob Hull: If I could just add, too. I heard earlier - I'm sorry -- Rob Hull again.

I heard earlier you say that people that were interested in this should contact you or Maria Farrell. That's actually not the process that needs to be followed now. I want to open it up even wider than that.

The NomCom has a Web site that will be updated in the next month or so. Applications typically run December to an April-type timeframe. People apply to the committee directly. You do not need to come through anyone else and it is confidential when you do so, so we do not publish who applied. We only publish who we select.

There is strict confidence maintained of applications so people don't lose face if they're applied -- not chosen. But you need not go through anyone. You can come directly to us.

So when you're out talking and campaigning for people to apply, please encourage them to apply. They can do so through a form on the NomCom Web site. It's not a hierarchy or the need to be approved by any organization before they - before they apply directly to that.

So we encourage as many applications -- what Vanda said is one of the hardest things we have to do is find applicants that...

Woman: (unintelligible)

Rob Hull: ...we could pick, because practically what happens is we get in a room at the end to decide.

We can only pick from the applications we have. So we try and pick the best of those obviously, but the quality of what we have really matters.

Thank you.

Konstantinos Komaitis: Thank you very much.

Before opening the (unintelligible) discussion to everyone, I would like to say what I don't like. I think that's more easy and (unintelligible) speaking to you as much as chair or (unintelligible) that is an individual member of (unintelligible) would like to see - I don't like see another (unintelligible) focused, oriented (unintelligible) member.

I would like to see someone that comes from a developing world and actually not have (unintelligible) or has an academic background, because being an academic myself, I really think that it is important that academics (unintelligible) part of this group of people that our committee make those kind of decisions.

So I'm opening up the floor to everybody. I have Robin first and Mary and (Sam), so Robin.

Robin Gross: Thank you. Hi, this is Robin Gross.

I sort of wanted to second what Konstantinos just said, which is I would really like to see a new CEO that cares about civil society, that understands the concerns of non-commercial users and frankly that considers non-commercial users to be equally as important as commercial users.

Man: Sorry, Robin. You said CEO. We don't (unintelligible), so...

Robin Gross: Okay.

Man: ...that goes the board.

Robin Gross: That's what - I'm sorry, apologize. I mean the board. I apologize. I misspoke.

Woman: It's a good (unintelligible).

Robin Gross: So again, it's really just about - I understand ICANN is a corporation and a lot of people consider this an industry organization -- a trade organization.

And I understand that it's important to have business experience and that sort of thing, but I think it is equally important that candidates understand the non-commercial user concerns and public interest issues and thinks of non-commercial users to be just as important -- equal -- to commercial users.

I mean - if we could get that, it would be a huge victory.

Thanks.

Konstantinos Komaitis: Thank you, Robin. Mary?

Okay. (Sam)?

Salieu Taal: Salieu.

Woman: Salieu.

Konstantinos Komaitis: Salieu -- sorry. Salieu. S-A-L.

Woman: (unintelligible).

Salieu Taal: It's okay, yes.

I mean, I agree with (unintelligible). It's about (unintelligible) a much broader perspective. It's good to have corporate America or London or Africa on the

board because corporate people are very good at getting things done on time, because (unintelligible). I haven't that background, by the way.

But equally, it's people who also understand that it's not all about the (unintelligible) way. And I think - I think that my good friend here is (unintelligible) that side of things -- that human part of things.

You know, literally that big business, where you're talking about new commercial interests. And you need people who have really worked and lived in these fields, i.e., people who have worked in international NGOs or local NGOs -- or academics who have been impartially studying this and have more interest in all around, you know, trying to understand the goodness or the badness of it.

And from a - from a marginal point of view, of course I would like to see a better geographic distribution of directors, because ICANN of yesterday and ICANN of today and tomorrow is different.

So we need more (unintelligible), more minorities, more (unintelligible) in developing countries, for sure, because when I look at the picture, I only see (unintelligible), you know.

And something - we need to look at how we can really address the imbalance. And secondly, who have a professional (unintelligible) saying that they don't. I'm sure that when they had been bet who have it better than these people and sure that like in any country, if you - to be a director, you're going to be a bankrupt.

There are many - I mean, there are many things that have to be looked at.

Woman: Right.

Salieu Taal: Of course it is much harder when you're recruiting internationally, but (unintelligible) and sure that your directors are basically first among equals as far as (unintelligible) is concerned, because ICANN is a model of - I mean, best practice, as far as governance is concerned.

And I think that has to also be reflected within the board. I'm not saying it is not, but there's much (unintelligible) in the point. And of course there must - I think it is very important for anyone who wants to sit on ICANN board to - not to be an expert in technology, but to have an interest in technology or Internet.

(unintelligible) specifically. I think that is really a (unintelligible), you know? I mean, it's not just like you're director of Blair motors -- you can be director of Apple. I think - I think ICANN is a different kind of species.

I think to be a director of ICANN, you must have an interest -- I'm not saying an expert -- you must really be in - generally interested in technology. Otherwise, you will not bring that much on the table. Otherwise, you will find it boring. Otherwise, you'll not be engaged.

And finally, I think a director must be very dynamic, because - I mean, ICANN (unintelligible) people who are very dynamic and can up with the pace of change. And typically, these are younger people.

Thank you very much.

Konstantinos Komaitis: Okay. So before Marilyn do you want to respond?

Rob Hull: I'd love to, but I can - I can wait until after Marilyn.

Konstantinos Komaitis: Okay, yes. Let's let Marilyn have this and then you can respond then.

Marilyn Cade: Thanks, Rob.

Just actually two base comments. One on the director issue and the other on the GNSO appointment.

And I think one thing to bear in mind as the NomCom goes into its' (unintelligible) appointment is that there is some unease amongst the GNSO committee -- not just our group, but particularly in our group -- about the extent and the nature of government influence in ICANN, which -- as many people know -- is a reflection of some of the discussion taking place in the (unintelligible) Internet government context.

And with that in mind, I think there have been comments in the community about the directors on the current board, some of whom -- I can't remember exactly how many -- have a government background.

So while I'm not saying that we don't consider anybody who is government or ex-government, I'd just like the NomCom to bear that in mind as they go into their (unintelligible) room -- that there is this sense of uncertainty and that will be one factor to (unintelligible).

On the GNSO appointees -- some of us have had this conversation before, so there's not a surprise -- I think -- to this really NomCom chair - incoming chair and chair elect and others -- that for our group there's been some discussion as to whether or not or how you deal with people who may be able to get onto the committee in some other way through some other route by election and so forth.

And I would think that there's some in the GNSO committee who might want to say, "Well, you can't be a member of a stakeholder group or a constituency," and (unintelligible) to the three chairs that that's probably going to be a really hard rule, because that disqualifies a lot of people.

I think that it is fine to have someone who has been a member or is a member or is an active participant. What they probably should be looking at then is that should that person move forward in the process, that there are safeguards and commitments in place so should that person either (unintelligible) offers a position within the stakeholder group (unintelligible) after (unintelligible) in some ways not connected to the council truly.

But I don't think that there should be a blanket rule saying that if you've been a member or you are a member or an office bearer that you cannot be applying to the NomCom.

Konstantinos Komaitis: Thank you, Marilyn.

We have Rob, (unintelligible) and then Robin.

Man: Let - Vanda can go first. She's the...

Woman: And Wendy's - I'm sorry, what...

Konstantinos Komaitis: Oh, and Wendy Seltzer.

Marilyn, then Vanda. Please go.

Konstantinos Komaitis: (unintelligible).

Marilyn Cade: Yes, just go give to Salieu some (unintelligible) about the - what he said about the dynamic and the young people.

The problem is time. Most of the young people have (unintelligible) have no time to dedicate to ICANN. And this is something that we face when we're - we select the people, because we ask, you know, you - can you dedicate almost, you know, every day (unintelligible) because of that - every day (unintelligible), you know, at the least one-two hours each day to ICANN?

If you are young, you have a kid, you have a lot of commitment in real work -- it's almost impossible. And that is a problem we're going to face, because we are (unintelligible) to have only old people sitting there?

So it's something - it's - we need to think about that, you know? It's a - it's a challenge that we're going to face. The more work we have in the board, the less chance for a younger, new ideas, newcomers we're going to face.

So that is - that is a problem. But anyway, maybe what's Konstantinos said that's academic. They have more time. Like, you know...

Man: Shut it.

Marilyn Cade: Like, you know, they have time or not for (unintelligible), they just don't, you know, make just one or two classes.

Anyway, it's a challenge that we have, (unintelligible) to have younger, new, fresh minds. And at the same time demand a lot of volunteer task every day. So it's hard. It's a challenge. But I'd like to find people with that.

Konstantinos Komaitis: Yes. Very quickly, I think that (unintelligible) wants to respond.

Marilyn Cade: Yes.

Konstantinos Komaitis: But we need to go back on the - on the queue.

So - and I have (unintelligible) I will let you and then please very briefly. Thanks.

Kathy Kleinman: I just wanted to respond to that very quickly, but - and go back to something that was said across the table about the time value of money.

You would have a lot more young people and a lot more non-commercial people if there was some amount of reimbursement on the board. On many of the boards of directors, there is - there's some kind of compensation -- not all, but many.

And in this case, the amount of time -- as you know, the amount of time committed to the ICANN board is absolutely enormous. And so we're seeing people come in when they're retiring.

We're also seeing people who come in when it's of advantage to their industry to continue, you know, to keep them there. But for non-commercial -- unless you guys have a pot of money I don't know about -- I don't, you know, it's very, you know, the enormous amount of time.

So you're - if there were more compensation, I think you'd find younger people across the board more able to make their time available, because they're not losing the base salary that supports their families.

Konstantinos Komaitis: Thank you very much, Kathy.

Let's go back to (unintelligible), (unintelligible) and then is Wendy.

Rob Hull: Hi, it's Rob.

I want to respond to a couple of things. The first I'll start with is we don't control the compensation of the board, obviously. We probably wish we did. I believe the board's going to approach us to look at compensating the board members, because it would make our life a lot easier.

I've often said publicly -- I've been on two previous NomComs -- that that would be a big help is to one, reduce the number of hours they have to put into this; and two, pay them something so that they get something out of it.

But I want to talk more about the geographic diversity that this gentleman over here had mentioned, which is you should be paying very close attention to that when you're suggesting people to us.

So for example, of the three board members coming off this year, one is from Latin America. And the requirements in the bylaw require the NonCom to always insure there's at least one representative from each region -- he will be the only one from that region currently, so we must appoint someone to the board from the Latin America region.

So when you're doing your outreach and your search for candidates, keep that in mind that that's one little tidbit of information of that we have to pick someone from the Latin America region this year for the board.

You know, part of my frustration over the last couple years in the NomCom has been that we only get to pick from the candidates that are before us. So while we do our best, it really is up to the entire community -- and that includes you -- to find us the candidates you think are appropriate.

So while I appreciate the advice of more academic/more civil society, please help us in finding those candidates and making sure that they apply. I'd be very happy to pick someone that is from an academic background or civil society background, especially if the other qualifications that we need are there, because I don't think it's any two or any three qualifications -- we're looking for a much broader set.

So if you could find someone that was, you know, perhaps that sat on the board of a university or had some international board experience on a non-profit or on - in civil society, that would be wonderful for us and we'd love that.

But we're looking to you to help us find those people, because the most critical part of our job that often gets overlooked is how do we find the people?

The NomCom is very adept and very non-partisan, I must say, at picking the best candidate. And I - and so far in my experience, they've always done that. The key is, how do we get the candidate before us in order to allow us to pick them?

Konstantinos Komaitis: (unintelligible) then...

Woman: Thanks.

As someone who had fewer gray hairs at the time I was on - a liaison to the board, I don't think you should rule out young people. I think that the time can be manageable and I think additional pressure to keep the time manageable is also helpful.

So people who bring in a different set of connections -- sure, they have to learn, but so did (unintelligible) who have had plenty of experience in another field and then come to the board and have to unlearn the things that don't apply.

So I too think that, you know, a range of experience -- including sort of entrepreneurial, young, starting out, connected to the young business and young non-commercial and young academic community -- is important and could make a valuable contribution.

Of course you ask them the question, "Can you honestly commit the time..."

Woman: Yes.

Woman: ...but don't rule them out because of - assuming that they can't.

And while I've heard lots of people say, "Don't take the business focus," I would say that business people can have a non-commercial sympathy and

outlook and don't take the other side of assuming that (unintelligible) come from government and so they represent the public interest are best-positioned to do so.

So - but the multi-stakeholderism really requires pulling from multiple groups and areas.

Thanks.

Konstantinos Komaitis: Thank you, (unintelligible).

Glen?

Glen Reichart: Glen Reichart -- US Ignite.
I wanted to point out that the NCSG is one of a few constituencies in ICANN where there's not an economic interest for the members in what's happening.

And I think that -- especially in the kinds of positions that the NomCom is looking for -- especially swing votes on various boards and committees -- it's important to try to -- and I realize the issue of getting the right people to apply, but choosing people who will not have an economic interest in the kinds of things that are going to happen.

And I think that that means it's important for the NCSG, the NPAC -- the other organizations which are less - have a net - well, actually - okay, I guess maybe I'll stick with the NCSG for the moment -- and others who may not have as much as an economic interest so that we can get folks to better represent the interest of the Internet.

In fact, I've - I think there's one constituency that's underrepresented in ICANN as a whole -- it's people who are representing the interests of the Internet user as it - in its' totality, as opposed to someone who is interested in

a particular intellectual property issue or some other specific issue in which they're working or in which they have an economic interest.

And I agree that it's difficult to find these people and attract them, because without that economic interest, the motivation to become involved in ICANN is lower and we may not know them and - but I think that one of the things you should do is pay particular attention and recruit through organizations like the NCSG, where we may have more of those contacts.

Woman: Yes. (unintelligible).

Konstantinos Komaitis: Thank you, Glen.
                 I have Robin and then Rafik.

Robin Gross   Thank you.

                 I just - this is Robin Gross. I wanted to append my earlier comment with one particular quality that I would really love to see on the board, and that is human rights expertise.

                 So many of the issues - policy issues that ICANN deals with will often touch upon human rights concerns, whether it's freedom of expression, privacy, due process rights -- these kinds of human rights issues -- they are pervading all throughout the policy development process, although it's very rarely explicitly recognized as such or addressed as such.

                 And, you know, oftentimes when this group starts talking about human rights concerns, you know, the business people just go, "Oh god, no. Not again," you know, "This is not a place for human rights concerns."

                 So this is something that I would really love to see that kind of a - of a level of expertise and concern for the human rights implications that ICANN works on.

Thank you.

Konstantinos Komaitis: Thank you, Robin.

Rafik is joining us remotely. So Rafik, can - do you hear us?

Rafik Dammak: Yes, Konstantinos. Can you hear me?

Konstantinos Komaitis: Yes, we can hear you perfectly. Please.

Rafik Dammak: Okay.

Just want to make comment, because I heard the explanation from Vanda that young people cannot commit (unintelligible) enough time. It's surprise for me, because I think young people have the energy and - to volunteer and to commit for more long time.

And if we just - how to say - (unintelligible) more how to say senior people, I'm just wondering if they have also more commitment because they are more - like have executive position or being in a - many (unintelligible), many organization, how can they commit enough time for the challenge that they are - that ICANN is facing?

And also -- just I think many people already asking that, but when you - we need more geographical diversity. In fact, for this year, there would be only one representative from Africa. It's not appointed by the NomCom, but it's appointed by the ccNSO and it's - so when we - people - many people are arguing that the ICANN to be more international -- honestly, myself - I just say the board has the - united the states against the rest of the world.

Thank you. Thank you.

Konstantinos Komaitis: Thank you very much, Rafik.

I have (unintelligible) (unintelligible) items (unintelligible) five - top ten minutes. Here, so please, make yourself (unintelligible). Thank you very much. (unintelligible)?

Avri Doria: Yes, thank you. I'll be quick.

One thing I do want to reiterate -- what Robin said is one of the comments I wanted to make -- that getting rights involvement in not only the board, but in all of the other organizations and Advisory committees is essential.

I totally agree with people about not being ageist in deciding what age is appropriate for positions. I think, though, that it has to be someone for whom it is an evocation -- for someone who is not here to make money.

And I have always been one of those that has spoken against bringing people in based on money. I know it's good to have. I know it makes it easier. I believe it brings in the wrong kind of people, because it brings in people looking for a job as opposed to people - bringing in people who are devoted to the service and the stewardship of the Internet that is the purpose of ICANN.

Thanks.

Konstantinos Komaitis: Thank you, Avri.

(David)?

(David):   I - look, I just wanted to comment about the board compensation issue.

This is - I mean, it's a very old issue. It's not unique to ICANN. It's been discussed, you know, many times in history at, you know, starting with the sort of British House of Commons and so on.

Allowing compensation means people who aren't doing it for a living can get involved. And that's great and it's a wonderful - it's very - it's an opportunity for NCUC, where most of us actually are under-resourced -- often volunteers in our sponsoring organizations.

And yes - and also just wanted to echo Avri's call about we don't use - I don't think we - we don't take enough NCUC - we've got general feeling from - feedback from NomCom that not enough non-commercial people apply for all positions.

We should make a lot more effort to do so, especially for the non-board positions.

Konstantinos Komaitis: Thank you, (David).

And Adam?

Adam Peake: Yes.

Thank you very much. We have to move on to another meeting, but just to - yes, (David) is very right. We've - we are - it is called a Nominating committee.

It's miss-named, because the first thing that we Vanda and Rob will start to do is start recruiting people. And then - so first of all, it's recruitment and then it's selection. So yes, most important thing is to get a candidate call. And then that's what the selections are made from.

I'm going from this particular meeting. Thank you very much for the input. We're taking notes and then we'll go forward to the ATRT process, but also into the Nominating committee for next year.

What I'll try and do or what we'll try and do is - the board has gone through it's own evaluation of looking at what attributes currently exist on the board. And we will send you that list of attributes and you should add to it, you know, because I'm quite sure there'll be things that we're hearing today and, you know, that they haven't thought of.

So we'll send you that and please add to it. And also at the same time, have a look down. And if you want to, prioritize that you might see something like, commercials business skill -- if you think that's important, tell us what you think is important. It may be helpful for you to do that.

But use that information and feed it back, both to - well, basically feed it back through -- I think -- (Maria) to Vanda. And that would be a very helpful way forward.

If I make a - one last point about remuneration -- a senior civil society director -- a director of a civil society organization -- said that, "If there were payment, what I would be able to do with that money is take the day and a half I'm going to spend on ICANN and use it to fund someone to take my position within my organization."

This arguments about remuneration of, you know, they're very broad. And I don't disagree with Avri, but I think there's a - there's a whole range of issues there. But it's one that you take to the public forum rather than to this particular - to the NomCom.

Rob?

Rob Hull: I just want to add one thing.

I want to make clear that -- I've heard it mischaracterized a little bit -- I don't think what Vanda said is we only look at old people. What she I think said is it's unfortunate we don't often see a lot of young applications, because they feel they...

Woman: (unintelligible).

Rob Hull: Correct.

So the NomCom in no way picks based on age, race -- we have to pick on geographic diversity, but in no way are we excluding anyone. We - I would love to see someone with a human rights background, because I think it is very important.

Again -- help us find those people, whatever the age. Age is irrelevant. It's - help us find the candidates that you want that have those backgrounds, please.

Avri Doria: And I just wanted to say no one said thank you to you guys.

You spend an enormous time in what you do. So thank you.

Woman: Thank you. (unintelligible).

Avri Doria: (unintelligible) volunteers.

Vanda Scartezini: And thank you, everybody. My name is Vanda. V-A-N-D-A at U-A-L dot com dot BR - the Brazil.

Konstantinos Komaitis: Thank you very much, Vanda.

Vanda Scartezini: (unintelligible).

Konstantinos Komaitis: I think that (unintelligible) just only one very, very brief comment.

She just (unintelligible). Thanks.

Woman: Yes.

I also going to thank you guys for your wonderful work, but I wanted to remind you that the (unintelligible) political diversity is important for the candidate itself, but (unintelligible) the diversity within the Nominating committee where we will appreciate it, because when I get to see the list of the Nominating committee members right now, I think there is like - they are all dominated by these people from American region and the European region, but I've yet to see one person from India kind of name, but I didn't really see any.

I think (unintelligible) Adam is based in Japan so he can introduce us some people from that region, but I think (unintelligible) more people in the Nominating committee from that region to communicate that kind of region. (unintelligible).

Man: That's up to you.

Man: Yes.

Man: For the...

Konstantinos Komaitis: Okay.

Woman: Okay, then I will...

Konstantinos Komaitis: Okay, thank you.

Man: (unintelligible).

Woman: Okay, yes.

Man: It (unintelligible) up to...

Woman: Yes.

                    I will try to - yes, nominate some people from work.

Konstantinos Komaitis: Okay, thank you very much.

Man: I agree.

Woman: I hear you.

Konstantinos Komaitis: Thank you very much.

Man: (unintelligible).

Konstantinos Komaitis: Can we have this door shut?

                    Okay, let's resume. Well, we have a - we (unintelligible) it is a custom - and I was told that it was a custom or (unintelligible) many years before I was a member of NCUC, I think, that we have this discussion with PIR, which is the Public Interest Registry at dot org.
                    We have been working very closely with PIR over the past few years. We also have someone sitting in the Advisory board, if I'm - if I am correct. Yes. So I have - we have Brian Cute on my right and Paul Diaz.

                    So I would (unintelligible) to you, Brian, to just introduce everything you want.

Brian Cute: Thanks. Thank you, Konstantinos. Thank you very much for having us. Always a pleasure to be here.

My name is Brian Cute. I'm the CEO of Public Interest Registry. I want to take a few minutes to introduce Paul Diaz, who is our director of policy. He just newly got on board.

Paul worked at Network Solutions and I worked with Paul many, many, many years ago -- ten years or so, which is an - a lifetime in the Internet industry with Paul. And I'm very pleased to have him on board so we can continue to be a thought leader on important policy issues to the DNS and the Internet community.

So Paul, if you just take a few minutes to say hello.

Paul Diaz: Thank you, Brian. Thank you everyone for seeing us today -- making a time for us, that is.

And as Brian said, I've just recently come over from Network Solutions -- literally about ten days on the job at PIR, so this has been a bit of a whirlwind. But I was with Network Solutions for almost 13 years in a variety of roles -- last six or so doing policy work.

So maybe new to PIR, but pretty well briefed on the issues before all of us. And as I am getting my head around my responsibilities as director of policy, I'm, you know, well aware of the special relationship that we had with NCUC and will look forward to working with you all.

I will make a point of leaving contact information so we can get it to you all. You know, always see me around and about or questions need to get in touch with me, please do.

Konstantinos Komaitis: Thank you very much.

I was just wondering whether that, you know, I know that we have some issue that we can both work together. And I know that (unintelligible) is something that you're also very close.

You're not (unintelligible) - you don't have any time now...

Man: ...time...

Konstantinos Komaitis: All right.

(Unintelligible), because...

Man: (unintelligible) how much time you have for me.

Konstantinos Komaitis: Okay.

Well you can spend, you know, five/ten minutes trying to find, you know, there's we discussed (unintelligible) takedowns, but we would like also to hear the registry - the perspective of the registry. And this is the first issue. And also, I know that you have been very generous with NCUC and with us (unintelligible) and I was wondering whether you would still be willing to be generous - to continue to be generous with NCUC, because for us, it has been a great - a great means for support and for allowing people to participate and for allowing actually NCUC to be the kind of constituency that it is right now.

Thanks.

Brian Cute: Certainly.

And NCUC can firmly count on our continued support going forward in 2012. PIR has a long-standing relationship and recognizes the critical importance of

this community's voice at the table in ICANN, so you can certainly count on that.

I'm going to compress a number of issues and certain takedowns, but I do want you to know what policy initiatives we're working on. And to take off a few takedowns is one that we're working on. I'll elaborate a little bit more at the end of my remarks.

Also, on Thursday we have orchestrated a workshop on the continuing operations instrument issue. I'm not sure you're all familiar with that, but for new TLD applicants, the applicant requires an applicant calculate three years of costs for essential registry functions and take that amount of cash and either put it in a line of credit or an escrow.

Now, the program is absolutely property focused. It's about protecting consumers and end users in the event of a registry failure. The problem is, when you do the math on your new TLD, if you have even modest projected domains under management after three years, the amount of money that you have to tie up gets very big, very fast.

And so we've been talking to ICANN staff for some time now at - as PIR and within the registry stakeholder group and saying, you know, "Look, guys. Proper focus, proper policy, but wrong approach. It's going to create barriers to entry on the one hand. And also, it will (unintelligible) applicants to lowball their calculations on their business plan and the application so that they don't have to tie up as much cash. If that happens, you're taking dollars away from the very central purpose of the program, which is to protect registrants, even through failure."

So we framed the problems. We've put forward an alternative proposal, which would be a flat $50 thousand per application. And when you run the numbers under the other mechanism, believe me, it's significant savings -- very significant savings.

And the possibility of .5 cents per registration, so that -- at a minimum through the applications and (unintelligible) -- you can establish a healthy escrow fund through the application $50 thousand. And if you need to go to (unintelligible) and protect registrants, there's a mechanism to do so.

On Thursday, we're going to be having the workshop at 9 AM. I encourage any and all of you to join us. We've got a four or five panelists who will be framing the issues.

And I have to give ICANN credit. They wanted to keep the (unintelligible), but locked down. And I understand that sentiment, but they finally recognized that this was too important an issue and they put it out for public comment.

So I also invite all of you to provide your comments as well, so that ICANN can hear loudly from the community that there's a better approach on this issue. So that's one very important one I wanted you to leave with.

PIR will also be providing some thoughts (unintelligible) on the revolving door policy and conflict of interest policy issue, which I'm sure you're all following.

We recognize that ICANN inarguably needs to do more. It needs to send signals of confidence to the outside community, non-commercial, governance -- the entire community. So you'll see us active there.

Getting back to takedowns, Konstantinos and I were talking -- as a registry operator, we really can't be put in the position of getting into content-based decision, in terms of takedown, government or politically-motivated requests for takedowns of domain names.

We certainly see quite a number of intellectual property-motivated takedown requests through the court system. The problem is growing. More and more are coming into our offices. This is becoming a cost of doing business, in

addition to the political awkwardness of being asked as a registry to take down domain names for this reason or that reason.

We will be active going forward. My view in the bigger picture is that we are you are at the place in time -- unfortunately -- where all of the principle actors who matter here to find a principle-based solution have dug their heels in.

Registrars, law enforcement, IP interests have all dug their heels in. And when you look at the pressure coming from governments -- going into next year, particularly with international negotiations on Internet governance issues -- we need to step up to the plate.

We need to do it in a principled way, based on the principles we all hold dear, due process, in a respected law, respecting privacy -- all of those values. But we need to get all the parties at the table to start engaging in constructive discussion of building a proper framework.

So PIR will be active, along with NCUC and other parties trying to pull together the right actors to a table to start that very important discussion on takedowns.

And if I can steal three more minutes?

Konstantinos Komaitis: Sure.

Brian Cute: Okay.

The last thing I'm going to talk to you about -- which is very important to us -- is dot NGO. You may have seen that we are preparing a community-based application to create a dot NGO top-level domain for non-governmental organizations.

We have been engaged in very robust outreach globally and meeting with non-government organizations, proposing an exclusive domain for them. As a new TLD, you'd have to be an NGO to be able to use it -- so closed, as opposed to dot ORG.

Dot ORG is open -- of course for voluntary sector, not the private sector or the core of dot ORG, but it's an open domain. So this would be a closed domain with some other value added services that we know will help serve a nation of NGOs as they try to become visible online, promote their mission and find the entities that want to fund them and promote their mission.

So we're very excited about it. We've gotten nothing but positive feedback, honestly. What we hear in terms of concerns is the briefcase NGO issue -- we want you to keep the bad guys out, we want our reputation clean.

That - that's not an easy thing to do. We're going to work with the community and rely on the community to help us build that filter. And, you know, otherwise it's very, very positive.

There may be a competitor in the fields. There has been a Web site up with VeriSign and another not-for-profit.

You know, I think if we can speak frankly, Public Interest Registry -- as being who we are and being a not-for-profit and the operator of dot ORG, we feel very strongly that we understand the community that if someone is to put this type of TLD on the Internet, that we know very well how to serve the community and work with the community, so we believe we have a strong chance of succeeding.

Konstantinos Komaitis: Thank you very much, Brian. And thank you very much for this update. And the NCUC is looking forward to working with you guys and continuing working with you in the future, especially for those issues that are (unintelligible) trust.

Brian Cute: Great.

Konstantinos Komaitis: Thank you very much.

Brian Cute: Thank you.

Woman: Thanks.

Konstantinos Komaitis: Thank you, Paul. Thank you Paul, as well. And good luck.

Brian Cute: (Unintelligible) with you...

Man: Yes.

Brian Cute: ...and (unintelligible).

Konstantinos Komaitis: I will (unintelligible) and, you know, seriously...

Brian Cute: Yes.

Konstantinos Komaitis: Thank you very much.

Man: (Unintelligible).

Konstantinos Komaitis: Okay.

We have 15 minutes, which - I know it's not a lot. But what I would like - I would really like is to start the discussions, which I'm sure we're not going to finish.

But there are very important discussions on policy, strategy and goals -- what NCUC would like, what are the issues that NCUC would like being pushed. And I would actually like to ask our councilors -- or councilor, being that

(unintelligible) just stepped out -- to actually give us - if Mary can give us a very brief update on the issues that are before the council right now and the issues that you think will be appearing over the next year.

I think that it is very important that - I said in the beginning I will (unintelligible) engage - we have people in working groups. We have people that are participating in the issues and we bring everything back to the membership so we can discuss them.

Mary, thank you.

Mary Wong: Okay.

Fifteen minutes is really not a long time. Whose computer is attached to that on the screen. Is that yours?

Avri Doria: (Unintelligible). Hers for editing, mine's for (unintelligible).

Mary Wong: So it's not possible to pull up the pending projects list?

Avri Doria: I can pull it up. Yes, I'll pull (unintelligible) put it in a different screen. I can't put it in (unintelligible).

Mary Wong: Okay, yes. Okay. Do you mind, Avri? Because that's probably the quickest way to do that.

And while she does that, I think if you've been at this meeting this weekend, one of the things that people say about the council is that we whine and complain a lot, because there is a lot of work.

Maybe we're just kind of noisy about how much work there is, but (unintelligible) Avri to pull up the pending projects list, because the GNSO council -- through the policy staff at ICANN -- maintains a list of all the

projects that the community is working on -- and those that are open, those that are closed, those that are coming up.

One thing I want to say to the newcomers here is if - I know we've heard this before, but it's really important to remember that what the council does is the council manages the work. And the work is done through working groups, as you've heard, which is done by members of the community.

So while the committee will vote to initiate a project or to close a project or to approve a report and while council members are very often participants in the working groups -- they may even chair the working groups -- it really is (unintelligible) for the committee that produces such (unintelligible) reports.

I - we talked about the meeting up here? We're going to talk about the meeting in (unintelligible)?

Man: (unintelligible).

Mary Wong: Okay.

So those are some of the issues I guess that we talked about this morning. The - other that -- here's the list, but the other thing that - that was the list. Yes. The other thing that you should probably know is that anybody can initiate a request for a particular project -- not just a councilor.

What members of the committee do is that they will have their council member bring it up to the council. If there is enough support amongst the other groups on the council and there's (unintelligible) that we vote, that actually becomes a project for the GNSO as a whole.

So if there is a project that some of our members feel we should undertake and it's not on the list, it is possible to bring it up. And then it becomes a

matter of getting some concreteness around what the project involves and getting enough support.

So there is the list up there on the screen now. I don't know if it's visible to the ones who are on chat, but I think - I think those on the chat have (unintelligible) pulling multiple (unintelligible).

So that's the list of the working groups up top and the drafting teams. I won't get into what those means, but (unintelligible) who are (unintelligible) I have activities -- including (unintelligible) -- that Kathy was talking about -- (unintelligible), their policies and so forth.

Some of these issues will not be as of great concern to some of you as others. There are some issues that will be very much of concern to, say, the registries or the registrars and more so to us. There are issues that's going to be of concern more to us and less to them and there's going to be issues that the whole community is concerned with.

So as to what's coming up next year or this coming year going forward, the UDRP issue -- obviously we're not voting on it just yet, so within the next month or so, we should know what's going to happen.

If any (unintelligible) goes forward, that's going to consume a great amount of the council and the GNSO's time. If that does not go forward and the question becomes, is that our next big project -- maybe not something along the same lines of (unintelligible), but there will be continuing work on Whois; there will be continuing work on a number of other initiatives, like the one Avri raised.

I don't myself see the GNSO council taking on a huge project starting now without much support from the community. I see us taking on specific projects. And besides that, I think we're looking for suggestions from the community, because there may be things that the council doesn't look at that we should be looking at.

And on top of that -- or also at the end -- is that the other (unintelligible) that the work is initiated through the council is by - I suppose I can use the word directed from the board.

The board can tell us to start a policy development process on something, or we can receive requests from the other organizations and committees within ICANN. And in fact, I think the other issue that we will be talking about today is the request from the Government Advisory Committee to have the International Olympic Committee and the Red Cross as reserved names in the new gTLD program.

I have no idea if the GAC -- which, as you know, have talked about this off and on -- is starting to flex its' muscles within ICANN and is starting to get involved in policy.

That was not always the case. The GAC usually in the past reacted rather late to a lot of policy issues within the GNSO, which made it complicated as we are trying to implement things.

But what's happening now is that the governments are becoming involved in interests that are much earlier in the process, so I would not be surprised to see more requests coming from the GAC. And that may be something to watch in the coming (unintelligible).

(unintelligible)?

Konstantinos Komaitis: Thank you very much, Mary.

Wendy, sorry to be cutting you (unintelligible). We're just - we don't have a lot of time. We need to actually put our things up. But we were talking about policy, strategy and goals and Mary just gave us an update on what issues will be appearing before the GNSO council in the next year or so.

Do you have or do you want anything to add on that? And then (unintelligible) and we can take, of course, and (unintelligible) this discussion can continue in the (unintelligible). Those of you who will be joining -- you will be able to follow the discussion.

Wendy Seltzer: Well, rather than trying to add something to a presentation that I didn't hear, I'm sure Mary did an excellent job.

And I think what we're doing here is working out ways to better communicate between council and the constituency.

And I'm really hopeful that we can, as councilors, commit to sending updates to the list to continue in the excellent cause that Avri started, where we had calls with the membership before each of the council meetings and to hearing from you the issues that you're concerned about and to provide ways to get those voices into the policy discussions.
So thank you.

Konstantinos Komaitis: Thank you very much.

Does anyone have any comments, because we're past - yes, (unintelligible) is nodding.

Woman: I think (unintelligible)'s been following up Wendy's suggestion. And I'm not - I have not been good at providing those regular updates.

But one thing that's notable about our constituency is that our mailing lists are archived publicly so a lot of - anybody can (unintelligible) the mailing list. And if people are not that familiar with our constituency, oftentimes looking at our publicly archived mailing list is the only way others get a sense of what we care about, what we're talking about.

And I wanted just to say to all of you that people do look. People within the ICANN community get a positive (unintelligible) view in (unintelligible) as well as people in the ICANN communities that have some concerns over whether we have interest at (unintelligible) or (unintelligible).

So one of the things that I know Avri has asked for repeatedly -- and I would follow up that (unintelligible), especially as with new and incoming members -- is participate on the mailing list as well, when an issue is brought up.

Everybody (unintelligible) their opinion, as Konstantinos said earlier. Sometimes they're different (unintelligible). I think it's very important to show that not only do we have a lot of members and lot of new members, but that we have a lot of active members.

Thank you.

Konstantinos Komaitis: Thank you very much.

Any comments? Okay, just - oh, sorry. I'm sorry, I didn't see you. Yes.

Woman: No problem.

Just - Ayanna Samuel. Information regarding signing up for the mailing group. Just how we - how do we do that?

Konstantinos Komaitis: At the time you become a member of NCSG, you're automatically - you automatically become - well, you're subscribed on the list (unintelligible), so you start receiving email after email after email.

No. I mean, when you send the request, they send the request to (unintelligible). Yes, you are subscribed on the list. No? That's how it works, isn't it?

Woman: (Unintelligible).

Konstantinos Komaitis: Yes.

I mean, we'll sort it out. You - by the time you become a member of NCUC, you would also - you can, you know, you will be active and you will become...

Avri Doria: Active.

Konstantinos Komaitis: Yes.

Avri Doria: (Unintelligible) yes. It was - for NCUC, it used to be automatic that you get added to the list. And maybe NCUC is still doing it.

At the NCSG level it was made voluntary, so whenever someone was signed up as a member and informed them that they had become a member, I also told them - I copied Brenden and told them that they could subscribe.

But it was left for them to decide whether they wanted to or not, because with the addition of the new constituency, not everyone there was always sure they wanted to subscribe.

And also, if an organization subscribed -- whether one person, many people, an organization, mailing list forwarder subscribed -- was something to be talked about and dealt with.

Konstantinos Komaitis: Thank you, Avri.

We've sorted that out, but this is (unintelligible). May I remind everyone that we are resuming at 2:15 as NCSG's time, so Robin will be chairing it. And we are meeting that board at NCSG at 2:15.

Isn't that right?

Woman: I think so, but I think we're in another room.

Woman: Yes.

Konstantinos Komaitis: (Unintelligible)?

Woman: I don't know.

Konstantinos Komaitis: According to this program, at least, it's here.

Woman: There's two meetings.

                         The NCSG meeting (unintelligible) both...

Woman: Oh, the NCSG...

Woman: ...is here and we...

Konstantinos Komaitis: Yes. Yes.

Woman: ...posted the board.

Man: (Unintelligible) between ten/eleven.

Woman: So the board...

Konstantinos Komaitis: Yes and they will have to go to the board and not - yes.

                         So please come to the NCSG at 2:15, which is here. And for those
                         (unintelligible) you may stop recording. And thank you very, very much for all
                         of your participation.

                         I'm looking forward to working with all of you. Thanks.

END