

**Bertrand:**

It is a great pleasure to co-chair with Stefan this joint GAC GNSO session. As you may have seen, the agenda is absolutely monstrous. The previous session was already pretty packed but this one is really impressive. I understand the GNSO has a certain number of questions they would like to raise and maybe I give the floor to Stefan first to begin and we'll deal with them one after the other.

**Stefan:**

Thank you very much Bertrand. Thank you fellow GAC members for having us today. It is always a pleasure to discuss various issues with you. We have prepared a set of questions and perhaps I should start by saying as some of you might know the GNSO Council Chair was unable to come. So I as Vice-Chair am trying to stand in for him and I will be chairing most of the GNSO related work that we will be doing this week.

So without further adieu we have some questions we sent and I hope you were all recipient of those questions we sent to the GAC in preparation for this meeting. We prepared 3 main topics and as Bertrand just said the agenda is quite full. So we thought we would approach this by just taking one topic at a time and seeing what time is left if we can't cover everything.

The first topic we wanted to embark on was the one about new GTLD's. Perhaps the questions have been put up on the Adobe screen on the left but if you wish I can read some of the questions and start the discussion there. There was some talk when we planned this meeting that we do this in French, Bertrand and I but I see he's chickened out of that.

So we had a few questions on the EOI obviously and that's the topic of the day and more generally about the new GTLD implementation details. Let me just read through them quickly and I suggest we open the discussion there.

Do GAC members have any remaining concerns with respect to geographic and intellectual property protections? That's the first bullet point we had.

The GAC proposed that some additional studies be conducted before new GTLD's are launched. What negative effects, if any, can be foreseen if such studies are not completed before they're launched?

Third bullet point, the GAC has questions the desirability of a single fee structure for new GTLD's. How might variable fees affect market entry in the larger internet environment? How would they impact the distribution recovery of costs?

Finally, the GAC has raised a number of concerns about the suitability and timeframe of the EOI model. Does it have specific suggestions as to how the model could be improved or a superior alternative model to suggest?

Now on that last point I know you just had this discussion in the previous session I sat in. So I don't know Bertrand what you think but maybe that is a good place to start.

**Bertrand:**

That is a possibility, however, I think if you participated or some of the GNSO members participated or attended the previous session we also addressed somewhat the geographic and intellectual property issues.

I think those elements can be summarized first and we can deal a little more in detail on the additional studies and the desirability of a single fee. I think as a matter of reciprocal questions as you heard in the previous session, I think one of them main elements that emerges now from the understanding of the GAC is the EOI is evolving more and more towards a real opening of this. What consequences does it have and how can we address it?

So are there any GAC members who want to highlight some of the elements regarding geographic and intellectual property protection?

**Peter:**

It's Peter from Australia and I will get the ball rolling. So we certainly appreciate the protection of geographic names in version 3's improvement. But from our point of view we don't think that all of the GAC's concerns have been addressed. I guess I'm speaking just for Australia here because I'm not sure we have consensus of this in the GAC.

Australia is concerned that at the 2<sup>nd</sup> level country names are looked to be only protected initially under some sort of sunrise protection. This to us raises concerns that country names will not be protected after that. we are unclear I guess on what happens after that period, if countries will in fact be required to register geographic names; whereas previously the GAC had asked that geographic names be reserved for countries at the 2<sup>nd</sup> level at no cost. So we're a little concerned about that aspect.

We also have a question and we think it's a question where we thought through a number of the policies, a number of options and to be honest I don't think we have a solution. We are just wondering where it's going to go. This relates to city names. We note there is protection for national capitals but not for provincial capitals. Within in Australia we've had a little bit of interest from some of our states about state capital names.

For example, Hobart which is the capital of Tasmania, one of our states, as we understand it is also the name of a kitchen manufacturing company. So we're interested as to where there is such distinct categories of potential conflict between a state capital name and a commercial name and how that might be resolved. We're interested in where that's going as well.

**Ernst – Norway:**

Thank you Chair, my name is Ernst and I'm from Norway. As Australia said we haven't sort of really talked too much about this in the GAC at this meeting so I think I'll just have to speak for our country and not necessarily consensus in the GAC at the present time.

We still have concerns about the protection of the country and territory names in the current version 3. We still think that the mentioning in the GAC letter to the ICAN board in August last year that those strings should not be allowed in the G space and should be deferred to the CCTLD PDP.

Also, regarding other geographical names we still have concerns, well we are okay with allowing for example city names as GTLD's but if there will be a requirement for a government non-objection or support there must be some requirements at the post delegation if there then comes a dispute between the government initially who gave that approval and between the Registry.

Basically and I think we've mentioned this before but basically if that Registry does not reach the contract with ICAN but does reach a contract with the initial government then of course ICAN would say it's not our problem, they're not in breach of our contract. Well you gave the consent when you sent the letter of support so that's your problem.

Of course, if ICAN does not have that Registry contract they will have liability if they break the contract on the government's request. So we think there must be some clause or something in the contract with the Registry and ICAN to make sure that they will be able to accommodate legal disputes in the relative jurisdiction where that GTLD is set up.

I think that summarizes at least our position on this, on the first issues, thank you.

**Bertrand:**

Any other comment from the GAC or from the GNSO counselors?

Maybe if I may on this I would like to make a connection between the geographic topic and the intellectual property. After the presentation for WIPO we made this distinction saying on trademark it looks like the top level is getting better, the 2<sup>nd</sup> level is causing a problem and the 2<sup>nd</sup> level there is the pre-launch and the post-launch and it is the post-launch and the operations which is mostly the difficult part.

I think with geographic names it's getting a little bit in the same direction. Although even at the top level there is still a concern regarding the numerous ways you can describe a country. The typical example is Holland versus the Netherlands and how are these words taken into account. But likewise I would guess there is a big distinction between the top level and 2<sup>nd</sup> level because, of course, it's much easier to monitor the top level because of numbers as the 2<sup>nd</sup> level. And likewise for the 2<sup>nd</sup> level it is during the period of the pre-launch and after and during the after that it's becoming difficult.

Maybe there is a way to facilitate the discussion to make distinctions between typical wording that says must not this, this is not, no country names at the top level for instance. This is you must have an agreement to do this. It is for GTLD's or even at the 2<sup>nd</sup> level name if there are some specific lists.

Then the 3<sup>rd</sup> category which would be you may accept if, which is more a question of abuse. The delegate of Brazil who was there in previous rounds especially in Sydney was highlighting the question of prevention of abuse which can be a post delegation. Like someone has a 2<sup>nd</sup> level domain name in a TLD that is a geographic name but is obviously abusing it, what are the mechanisms for address? So this tripod distinction may have further discussion.

**Stefan:**

Can I ask if any GNSO Council members want to make any comments at this stage?

**Male:**

(Name) counselor for the Business Constituency and we were the ones who filed the minority report to the STI recommendations. Our concerns remain that very likely after launch there remains very limited things that can be done to protect trademarks. For instance, the only real remedy you have is the rapid suspension and that's it. In the post delegation I think maybe back in Seoul the presentation made it quite clear that the post delegation wasn't going to cover some of the concerns that were raised right now.

And with regard to Trademark Clearing House we saw it really more and this is from the BC perspective that it was just enabling sunrise more than anything else because the trademark claims were again pre-launch. But the Trademark Clearing House had no impact or affect on post-launch. Once it's been launched what do you do? How do you, the Trademark Clearing House has nothing to do with that.

The ability for the Trademark Clearing House to be able to voluntarily do this and provide ancillary services there but there is nothing mandatory for them to do that. However, nonetheless, the BC took the position that although it was putting in a minority report because something was better than nothing and wanting the process to move forward and say find we accepted the Trademark Clearing House is not a rights protection mechanism but we're moving forward.

So the concerns to the extent of 2<sup>nd</sup> level and post-launch still to some extent remain, as far as at least the BC is concerned, although we still want to not block the process.

**Bertrand:**

Maybe just one point here and that is to remind GNSO counselors of an important element in the GAC principles of new GTLD's which is a fundamental distinction between the introduction of

the string itself, the delegation of the operation, and the operations once the delegation has been done. I think it's a distinction in 3 steps or 3 elements that is very important to understand what are the different challenges attached to each.

We must all be careful in as much as the problems that happens for selecting the strings, selecting the applicant and so on must occupy us that the TLD's will continue for 5, 10, 20 or 30 years and that it is the operations that is the part that must be handled as correctly as possible, although we can't predict everything.

Do you want to move to the EOI?

**Stefan:**

Yeah I'd love to move to the EOI.

**Bertrand:**

Yeah for those who followed the previous discussion I think I would really like to throw around the table this notion of are we really moving towards something that is the actual launch or the first step of the actually launch? I sense this is the case. So I think in the GAC we sense this emerging. Is it something you sense in the GNSO as well?

**Stefan:**

To be honest and speaking in a personal capacity listening to the previous session, listening through various conversations I'm not sure that we all have the same understanding of what the EOI is supposed to do or what are the objectives it's supposed to accomplish. For us, the way we've come to understand the EOI is that it's being presented there are a couple of areas of advantages for both ICAN and applicants.

I should start by saying our understanding is that EOI would not start until there was a full version of the DAG and we have been told that that version of the DAG which we are to expect for Brussels would be nearly final. So our understanding is that the EOI would come out after most of the rules have been defined. I think that is an important distinction to make.

And our understanding also is that the EOI would help both ICAN to judge how many applicants it is to expect and how it can respond to that volume of applications. That is an unknown quantity today and that, the premise of the EOI there would be that it would help clear that up and gain a better understanding of that. and it would also help the applicants themselves be able to understand the playing field that they were in and possibly communicate with other players involved in the first round, especially in cases where the strings that are being applied for are similar.

So we understand and we've been told that those advantages are there in the EOI and I wanted to make sure we all had the same base level of understanding there. If your knowledge of the EOI is more complete than that or different the conversation will go off at a different direction.

**Bertrand:**

Any comments from Mark?

**Mark:**

It sounds like you've had the same presentation that we've had from Karen. So our understanding inevitably concurs with yours. I guess an obvious question is if ICAN staff is so confident that DAG is going to be in a near final document and we're going to have that in time for Brussels, why are we spending so much time agitating over the expression of interest?

The GAC has a number of issues which we are going to articulate in the letter which will be attached to the communiqué and we'll touch on a number of the points that you've highlighted in your questions in trademark protection and getting the clearing house right is a key one. I'm still getting comments in about specific aspects of the clearing house which are quite major. It may actually not; it may exclude most trademarks in Europe if we understand the laws correctly. So there will be inputs into that in response to the recent documents that we and others are no doubt going to be making.

I guess we are of the view that the EOI is pre-judging a lot of stuff but the timeline is weird. Thanks.

**Bertrand:**

Thank you.

**Male – BC Rep:**

Thank you for that and from a BC view very relevant. I can say this with a certain degree of finality that the comments of the Business Constituency that will be coming out will be opposing the EOI process. We completely agree with the logic that in fact if this is supposed to be finalized, why do we have to do an EOI and just go straight to the application process. It sort of becomes redundant.

Secondly, the concerns from my reading of the document it says it is still subject to change and that raises concerns when people apply. It says we'll take care of them simply because we'll tell you they will change and so therefore you can't litigate against us. In light of the Triple X ruling I don't know because I know it's a different set of circumstances and that raises certain concerns at least in my mind.

The other aspect was the fact that confidentiality under the proposed EOI model of the moment would not be there. So if you suggested a string everybody would know about it and then there would be this long possibly we don't know how long process of objections to be placed. Would you rather be in the application stage where you know there is a certain limit of time for objections? Otherwise, here you have a defacto unlimited period of time for objections or uncertain period really and would certain businesses want to make that disclosure and some might not.

Governments want to make that disclosure because certain governments may have conflicts between the regions. I don't want to give a specific example but I am sure there are certain examples that could be brought to the floor where governments may have conflict. What happens then if it's brought to the fore and you give one government the opportunity to object for a period of 18 months to 2 years or whatever?

Then the last point irrespective of that is that if you're going to have a communication process and I heard bits of the final presentation from staff, if you look at the communications draft plan it only says from a developing country point of view that there will be global outreach. I haven't seen from that document what that means per se, at least it's not being presented to us. I made this point at the GNSO meeting when the IRT was brought out, there was one consultation in London, one in New York, one sort of at the ICAN Sydney and one in Hong Kong and that was it.

So my suggestion is that if you really want to go out there, you need to get boots on the ground and you need to do this properly. You can't just say well we notified the Telecom Regulator of the country and now it's their responsibility. I think it needs to go a little beyond that. And this is just my opinion.

**Female:**

Thank you for giving more information but I still don't really understand. If it is the case that the EOI is actually a chance for ICAN to get the view of how much interest there is for top level domains, then it is not a pre-launch, then it's a market analyze. But if it's the case that because I see you have a few mandatory points actually which means it is not a market analysis like ICAN said, Karen and her colleague, so then we go to the next step. Of course if we have market analysis we don't have a set of rule really in place. But if it is the case, it is not only a market analysis but actually pre-launch which is actually I don't see the difference actually.

Then the set of rules are going to be important. This gliding from market analysis to launch is something I don't understand and it makes me concerned.

**Stefan:**

Thanks for that. I think one of the important points is timeline. The points raised earlier on by both of you about the timeline and the use of the EOI as we progress towards the first round, the closer the EOI is to the first round the more we may question whether the EOI is actually serving some use or not. I'm not saying it is or not one way or the other because I'm not sure as a GNSO consensus on that but it certainly is something we're looking at and asking ourselves the question of whether the EOI as you said if the rules are final, then do we need an EOI? If we need an EOI then does that mean the rules aren't final enough? It is kind of a vicious circle.

**Jamie:**

I'm speaking from my personal capacity and not from the GNSO. My name is Jamie Wagner and I'm from the ISPCP Constituency. I think that the EOI began as a market analysis and it is now clear it is a pre-launch of the GTLD process as a whole. Well the king is nude and so we just have to say it. That's all.

**Stefan:**

Let me say one thing, this is promising for the week because if on the first day we seem to be prequalifying it in a way that seems to be understood by all actors then we will have to design it collectively and it will be easier than if we still consider that on the one end it is just to gather the numbers and the other says not at all it is completely shaping the new GTLD process.

So I take some more comfort in the first discussion today but I would like to raise one, yeah please go ahead.

**Debra:**

Good afternoon my name is Debra Hughes and I'm with the American Red Cross and part of the non-commercial stakeholders group. Part of what I wanted to share with the GAC is non-profit organizations that I've been talking to are very concerned about the EOI for several reasons.

First, if it is truly a pre-launch or pre-application process communication to these non-profit communities especially in developing organizations and developing countries is key. I echo what Zihed said about a communication plan that is thorough, explicit, that is deliberate so that we are reaching this very important population in the ICAN community.

Non-profit organizations rely upon a safe and stable and secure internet and DNS to get critical services to the communities in which they serve. So certainly non-profit organizations are very concerned about the EOI process, the fees associated with that and barriers to entry. Of course, any organization that wants to consider a new string must have the finances to be able to sustain it over the long haul and we understand that.

But certainly what we're hoping is that ICAN can consider the importance of this population in the ICAN community and maybe even consider and I know we haven't talked about the fee



structure issues but that is something else that is very near and dear to the hearts of non-profit organizations wanting to be able to have the ability to participate if they choose so. If they don't there are sufficient post delegation processes in place to protect these organizations from fraud and misuse. Thank you.

**Bertrand:**

I think we will need to move to other topics but I would like to raise one question that we haven't solved. If the DAG being final or quasi-final is a condition for launching the EOI whatever the EOI is, who is to decide that it is final or semi-final?

As we all know there are very important interests at stake here. If there is a possibility for one actor to say I'm sorry this is not final, then what is the decision? Is the staff or Board saying I'm sorry you say it's not final but it is and then we get into the problem of if its final it is not an EOI, it is completely launching the process.

Or is it going to be a community decision? Does it require, I mean we've never done that really if it's a condition does that mean the GAC must say yes we agree to this and that the GNSO says the same and all the others? What is the procedure? Because there is a big risk of potential gaming and we all know that. Somebody raises their hand and says no it's not final and it stops.

But the question is according to the distinction I was making earlier on, the string, the delegation and the operation there was a very interesting session at the ICAN in Barcelona a couple of weeks ago. One idea that was emerging was yellowing parts of the DAG. Here there is a connection between what the EOI is especially if it is the first phase of something and the parts that have to be yellowed.

If I make an analogy, if you intend to go from one place to the other and there is a road that has to be built, maybe in some cases you don't need to pave the whole road to the very end before you start the journey. In this case, maybe there are steps. Maybe the process of the launch is dealing successfully with the string, with the delegation and with the operation parts. Maybe what has to be yellowed in the DAG is first all the objections and procedures that are related to the string and then you deal with the objections and procedures related to the delegate and then to the problems and so on that are related to the operations.

The reason why I raise this is because of the catch-22 situation that we seem to always be caught in. and so it's just an idea for further discussion, we will not solve this. But for information as you heard earlier there is one question pending and we would be happy to have feedback from the GNSO Council on this is what about having a working group, formal or informal, between now and Brussels knowing that in any case the EOI will not be launched before Brussels and there could be conditions about what this group could and should provide by Brussels for it to trigger the functioning of the launch.

So that is a general idea and suggestion and maybe we can move to other topics.

**Stefan:**

I want to thank you for that suggestion and I will take that back to the GNSO council. I just want to say one thing that I think whatever approach on the EOI is one of the things that the council is adamant about is that our principle A which asks for new GTLD's to be introduced in a timely and predictable way and that principle still applies to us and it's a key fundamental part of the process.

So whatever happens with this or other discussions we do feel that further delays or unnecessary delays are not desirable.

**Bertrand:**

So what do you want to do? The question of the single fee structure is...

**Stefan:**

May I suggest perhaps that if everybody is okay with that we leave the new GTLD subject now that I see there are only 20 minutes left and maybe we, we wanted to go to the 3<sup>rd</sup> subject first? So maybe I can, we have 2 bullet points there.

Can GAC members explain the relationship to ICAN in general and to the GAC principles in particular of the ongoing intergovernmental discussions, e.g.: in the ITU and in the CSTD concerning enhanced cooperation on globally applicable public policy principles? That's a mouthful.

The second point, can GAC members help us to understand the objectives and prospects of the various other proposals that have been advanced in the ITU, some of which could be taken up by its October 2010 planning conference concerning such topics as a provision of registry services, the harmonization and coordination of CCTLD policies, international domain names, the interface between international laws and treaties and internet governance, security, stability, IPV 6 dispute resolution and so on. I think that should occupy us for the next 20 minutes.

**Bertrand:**

Thank you, so I would encourage in that respect GAC members particularly those who follow also the activities of ITU, the IGF and the rest to please contribute.

**Stefano:**

Stefano Trumpy and I'm following also IGF's and trying to coordinate in my country people that go into the ITU meetings and people that are going to Brussels, a high level group going and so on. Concerning the enhanced cooperation there was a great discussion in the last IGF and many

countries criticizing IGF; let's say China, Saudi Arabia, the leaders because the process of the enhanced cooperation has not progressed.

This is something that at least in Europe we can say the majority at least recognize that enhanced cooperation is there; it already can be verified going to the IGF. And 1 or 2 months ago the Under Secretary General of IGF sent a letter to the organizations that are supposed to implement the (inaudible) corporation. ICAN, I didn't know anything from ICAN side but I prepared a 3 page answer just to say okay look we agree on the principle of an enhanced cooperation and that it's already there.

This is a position as a GAC member this is also my position but not everyone of course. I'm not speaking for everyone. Enhanced cooperation was sort of an agreement reached at the World Summit and actually has not been implemented if you read the Tunis Agenda document. But in the evolution of the IGF and the waiting for the decision of extending the Monday that the IGF said should be taken now in the General Assembly then the discussion about going through CSTD or not...so in the ITU frame this problem of the enhanced cooperation is moving around.

So we have to be careful everyone of us and to talk with our colleagues that are going to the meetings. Fortunately, some of those present are going in our meetings and also in ITU meetings. But we need enhanced cooperation in such direction.

So then there is a lot of movement concerning this next potential of ITU elections and things like that and then we learned about this idea of asking to set up a registry for IP numbers. There are movements in the ITU frame that are going in a non-orthodox, let's go like that ideas concerning the internet. Every one of us has to be very clear of that and interact with the people who are going to the (39:42 – inaudible) potentially because the rule for electing the officers are rules that are completely different to what we know here. One vote, one state and so China or US equal to Slovenia or any other country, so there is a market of votes and something not very pleasant.

**Bertrand:**

Thank you Stefano. Mark you wanted to say something and then Thomas afterwards.

**Mark:**

Just briefly on the CSTD, the Commission for Science and Technology and Development our principle interaction with that is we got to the review of the ITF. We are wanting to ensure the CSTD has a full role in that review because it allows stakeholder participation. So if the course of the review of the IGF circumvents that and goes straight to the Economic and Social Council it will not allow that further key opportunity for IGF for business and other stakeholders to articulate their views. So that is and I go along basically with what Stefano said about enhanced cooperation.

With regard to the ITU we're constantly seeing a lot of pressure from the ITU to enter the internet governance space. The European view is that that would be beyond its mandate. We don't see a role for the ITU as an intergovernmental organization to lead in key internet governance policy decisions. So the view of governments in Europe is certainly to resist that push from the ITU to move into this area.

We're seeing that manifested through as noted there, provision of registry services, and wanting to get into the business of allocating domain names as an IGO Council working group meeting coming up. Again, the view of the UK and other likeminded states will argue that there doesn't seem to be any justification for that. What is the ITU aiming to achieve? What problem is it trying to solve by setting itself up as an internet registry? It doesn't have the mandate to do it anyway we don't think, it doesn't have the skills so the view of the UK government and other likeminded governments is to argue that is a completely ill founded, unjustifiable attempt by the ITU to move into that whole area of activity.

So it's a pretty forceful position we're taking. And it is partly an educational process I think in terms of representatives of governments from other parts of administration who aren't involved in internet governance; it's a problem we sometimes face. Within my Ministry it's the same Ministry and other administrations you got different parts of government dealing with ITU, IGF, ICAN and so on. So there is a communication problem there.

Well there are a whole catalog of things there that I won't pick up on them but I think you're getting the message. Thanks.

**Stefan:**

Thank you and to quickly compliment what has been said by the 2 previous speakers, the CSTD is the focal point of the UN where this year some important decisions will be at least prepared. Who will finally decide is the UN General Assembly on the continuation of the IGF. You have to know that the IGF is part of a package that went along with this notion of process of enhanced cooperation in Tunis. So these 2 things are interdependent. They both will be discussed at the CSTD and with regard to how governments will think about the progress in enhanced cooperation that might have some effect on the IGF as well.

Not only the enhanced cooperation process and the IGF are interlinked but also the works of the ITU, of the future of the work of ITU and the IGF can now interlink in the sense that, for instance, there is a resolution of the last planning board that there is some role for the ITU in public policy issues regarding the governance of the internet. This is something that has been accepted whether you like it or not.

This is what many countries refer to when they come up with proposals that have been named in the I2. The ITF is a forum not to make decisions but to discuss public policy issues related to the governance of the internet. The GAC is another forum to discuss and help ICAN to take

decisions of public policy and depending on this forum will develop and how this decision in ICAN will develop that will have some effect on what some countries who are flexible and have not made priorities yet to which processes they prefer, they probably will let themselves be influenced by their experience they make in one constituency when they demand something from another constituency.

So these processes are interlinked to some degree. One of the problems is many times it's not the same people and the information within the governments and the influences within the governments are not fully working. So you have the same countries demanding for different things in different forums which is a little difficult. Thank you.

**Bertrand:**

Thomas.

**Thomas:**

Thank you and partially I want to echo some of the things already mentioned, specifically what Stefano said about enhanced cooperation. It's a very vague term and you can put everything underneath it. But basically as we understand it, it's not strictly related to ITU to have enhanced cooperation. I think that the things we're doing here in ICAN, for example, the public policy principles on the CCTLD's you could regard them as something which is being done within the complex of enhanced cooperation. These are also, as to my perception, be applicable to globally public policy principles in this specific case.

I think enhanced cooperation is a very wide term in which we are all partners and we're all let's say forming this enhanced cooperation. Another part the relation between ITU and ICAN of course there are many tensions and I think we have at least as a signal to the GNSO, we are picking up these things also within ICAN. For example, the discussion on ITU wanting to be IP address registry something which we discussed and urge our colleagues to have a chat with their ITU colleagues in case they're not the same people. For some it's not the same people.

Yeah I think we're very sensitized on this kind of issues. The other side I think we also have to take into mind that having, let's say ICAN having success in this multi-stakeholder process involving governments and everybody makes ICAN stronger and maybe makes it less urgent to ITU to step into this arena. So there you could say there is a kind of healthy competition in the sense that let's say things which come up in ITU could be a signal for the things that maybe we could do better in ICAN and better in GAC also I think because we're not completely representing all the governments that are in the ITU. Thank you.

**Bertrand:**

Thank you Thomas. Fiona.

**Fiona:**

Thank you very much. I think several of my colleagues have answered your question which is to explain the timeframe and how these things work. It is important to keep in mind that the ITU at I think last count was 191 governments. So it's reflective of the consensus of those governments. And obviously not every government has the same view. So you've asked us how the process works and my question to the GNSO would be what are your concerns about this process? By your question I'm assuming you have concern, so if we could understand those. But to the extent you have those concerns it is really imperative to you all to go back to your respective governments and make sure they're aware of that going into this process.

**Bertrand:**

If I may transition, I would like to thank the GNSO for having raised this topic. Actually it is something of concern or of interest for the different actors. I would echo what Fiona was saying, not only go to your respective national governments but also if you have a respective GAC member who is here it is important to interact with them. I would encourage all the community to strengthen the interaction around those topics. But I would also send just a note of caution that as one of the people who have the privilege of following the different processes with ICAN, ITF and the CSTD and the ITU in many cases, there is a danger of mutual (50:31 – inaudible).

I'm fighting inside the ITU a bunch of actors who absolutely do not want to even hear about ICAN or see the word ICAN mentioned. It is very important that on the other hand, people inside the environment of ICAN understand that there is an echo system of organizations and the coming years are going to be like tectonic plates moving and redefining some of the zones of competence. So there is an emulation and there may be competition. None of those actors are illegitimate and it is very important for you to follow the people who are following those topics and to make sure you are perfectly informed on all sides of what is happening where.

**Stefan:**

Thanks Bertrand and I want to, not to answer your question, but I think Bill wants to say a few words. But just to say thank you for the quality of the answers you've given us because our first intent was to better understand and I think your answers were very, very helpful in that regard.

**Bill:**

I'm Bill Drake from the Non-Commercial Users Constituency. Part of I think what was motivating our discussions that led to the formation of these questions is simply that we do hear a lot of conversation and we see a lot of discussion at the international level on matters that directly impact on ICAN or could and it's hard for some people who are not deeply inside these other processes to know what to make of them and know which of these points should we really be paying attention to.

This goes back to Fiona's question; you ask us what are our concerns? We're wondering what are the concerns of the governments that are raising these points in other forums who are also represented here. It would be helpful for us to understand from them what they're looking for and what points they want us, if any, to be taking onboard within our work at GNSO and in ICAN more generally because there has historically been a sort of gulf between the dialogues occurring in these 2 different environments even though they're on the same issues and the same institutional questions in many respects.

If you take, for example, the question of globally applicable public policy principles, many governments have been advocating this; they say it's an urgent need. We have the GAC principles and the question arises what else do people intend when they ask for globally applicable public policy principles? What are they looking for beyond the GAC principles? Does the GNSO have to take into consideration the possibility that there will be an effort to elaborate something beyond what we're already working with? The same things could apply to some of these other questions.

So it was simply really to try to elicit some discussion and hear from governments who participate in both environments and in particular from those who perhaps might support some of these initiatives in other environments or feel that the way they're being dealt with in ICAN is not entirely sufficient to understand what they're looking for and how we should be thinking about the relevance of that to our own work.

**Jamie:**

One thing that I think preoccupies, I think is not only the GNSO but all the community is that well indeed I think ITU has some recognizable roles but they are secondary ones and they should be called to discuss this. It's the same that ICAN will not have a principle role in discussing telecommunications in the world but we should have also some say in some decisions they will take.

So it's not about domination, it's about each one has its role but one is a principle role and the other is a secondary role. And when it comes to governments of the internet there is a mechanism, it is what we are doing here for years and it's working fine. It is a very good tool of enhanced cooperation. So I know that governments are not monolithic, the great majority are not, but well this could be worked not only by the governments and GNSO but for all the communities as a kind of conscience that the mechanism is already here and I mean here.

**Stefan:**

Thank you Jamie. Zihed I think you wanted to say something.

**Zihed:**

I think that participating in the IGF gives you a certain perspective of what is happening in ICAN. I think to some extent from a developing country point of view and I'm not speaking on the BC's behalf at the moment, whatever ICAN does and the way it proceeds with the EOI, for instance or the new GTLD's and how it impacts developing countries, do they feel part of the process? Do they feel disenfranchised by it? Do they feel this is in fact a perception, maybe a perception that the incumbents are basically making sure they get the land grant? These are things we need to avoid because that will fuel probably discussions within these other organizations.

I think we just need to keep that front and center.

**Female:**

He's raised an important point. The developing countries are not on this part of the process. But they are given a lot of prominence in the ITU cycle. There are things, as I said the communication between ICAN and the developing countries and I don't know how strong it is, so it's not as strong as the ITU and again the developing countries we're just embracing the new thing, the new order. Some of us, a majority of us may not have access to the internet in our houses; we can only see it in the office. So the governance issue that has been discussed here is not done there.

Again, ITU is a treaty making organization okay. The government is there and you send your people to ITU and you're sending them for treaty making. There really is a written treaty but here it's not a treaty making organization, though the principles are here. The advice that GAC gives to the Board, the Board is enforceable and governments can enforce those things. So those are things that seem to make the ITU cycle win more of the developing countries than the developed ones where you know already. We don't know and so we're trying to learn.

There are only a few of us coming into the process of ICAN. I think as the days and years go by I know that within a short period of time we'll be talking about 2 resources, the spectrum which ITU controls and the IP which the ICAN controls for the communication in the whole world. So there must be a point of handshake, a point of understanding.

The developing countries go more to ITU than here. We understand what ITU is than what the ICAN communicates. Thank you.

**Stefan:**

I'm afraid we're getting short on time. If I may say one element, this is the beginning of an interaction on that topic. As far as I'm concerned and I know we never had this kind of discussion between the GAC and the GNSO. I think it's a very useful one and we will not close it now but please continue during the week and don't hesitate to ask the GAC members about that.



**Brazil:**

I'll try to be very short on my talk. The internet has become a very global concern. I think when it comes to this convergence of technologies I think the telecommunication people are very much worried about what is the role of organizations like ITU have on this new world. It is quite understandable that this discussion goes on inside ITU.

On the other hand, ITU is a buddy of governments and so there is a participation of every government in ITU. Now what happens is they feel that ICAN has not given them right answers to this point. I feel that as GAC becomes stronger inside ICAN and more representatives of countries I think the right side where each one of these organizations should struggle would be much more clear.

I believe that there is a problem of ICAN against ITU will become quite livable as people just understand what is the role of each one of these organizations. As soon as ICAN becomes more international and GAC inside ICAN has representatives of every government in an equal setting. So making GAC a more stronger and more clear on how it works and how its representatives are designated here should become a very important step towards understanding what is the role of ICAN and the role of ITU.

Now inside ITU there is actually a division of positions. There are people who think that ITU should go into the internet convergence and other people who think that the internet is an added value thing for telecommunications and ITU should just take care of infrastructure of the questions of frequent spectrum. So that should be quite clear for this side that ICAN should take care of IP numbers and GNS's that's what I feel. Thank you.

**Stefan:**

Thank you and Bertrand I know you want to end the session now. But before thanking me and the GAC I just want to say 2 things. First of all, I want to apologize to the people who were participating remotely. We had set up a remote participation for this session and in particular those counselors that did connect from the contracted parties house as I'm the only representative of that house here I'm sure they probably wanted to participate in our discussion. I'm sorry we were unable to accommodate that.

Secondly, I just want to say following on from what you were saying that I think one of the things obviously in the GNSO we're very, very empathic about is the multi-stakeholder model. We live it every day so it's something we feel very passionate about and it is something that is very important to us.

If we, do we have any more time? Okay in that case I'll just say thank you very much once again to the GAC. We always greatly enjoy these discussions and I hope they can continue in the

future and I hope we are able to give you some interesting points and questions. Thank you very much.

**Bertrand:**

Thank you and I just wanted to add one final element to the 2<sup>nd</sup> part of the discussion which I think is a very good beginning for the interaction. Just one element in as much as I was saying there should be no domination, basically for all governments there is an encouragement to participate in both or even in multiple meaning IGF as well. Internet governance is a topic that has changed since the World Summit and it's been basically a battlefield between very opposed positions.

As Stefan has said the notion of multi-stakeholder governance is emerging and we all are trying informally to achieve that. I just want to send a very simple message, none of the existing organizations dealing with the internet governance is the ultimate multi-stakeholder model achieved. ICAN has been a pioneer of this approach and one of the challenges we're addressing among others is the role of governments in this system.

Likewise, ITU which is an intergovernmental organization has a challenge of allowing other types of actors to participate in the activities that it wants to conduct. I often say that UNESCO likewise where ITU has the problem with civil society actors, UNESCO in the same respect has a lot of problems with companies. They have civil societies and governments but they don't have companies.

So if we keep in mind that internet governance has a role for all the organizations and has amply enough work to do to occupy all of us in all the organizations with their respective functions, we all strive to achieve a better model of multi-stakeholder interaction. And in the case of ICAN the review and the AOC review that unfortunately we didn't have the opportunity to delve into. But there was not a lot of substance actually to discuss at that stage is going to be a very important element in this discussion.

With that I thank you very, very much for having joined this session and I'm looking forward to further interactions during the week. Thank you.