ICANN Prague Meeting
NCSG meeting- TRANSCRIPTION
Tuesday 26th June 2012 at 13:30 local time

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Robin Gross: Okay, so let's get started if you want us to get the recording going and great. Terrific. Well welcome everyone. Thank you so much. My name is Robin Gross.

I'm the Chair of the Non-Commercial Stakeholder Group, and thank you for coming and participating today. The first - we've got a few things on our agenda.

We're going to hear from the constituencies about their morning meetings, and we can talk for a few minutes about outreach to other stakeholders. And then we'll review some ICANN policy input opportunities and discuss possible statements that we might want to make in - either in the public forum and the open comments that are open now, and then we'll - we can talk about - prepare for our meeting with the Board this afternoon.

We're meeting with the Board this afternoon from 14:30 - no, I take that back. We're meeting with the Board at 3:30. Yes sorry, 3:30 we're meeting with the Board in the Congress II room.

Okay, so let's get started and let's have an update from our morning meetings. We had two. Excuse me, Bill has a - okay we'll need some microphones.

That's right. We - thank you. We - can we have the microphones to come up? So unfortunately we only have two microphones for everyone, and we need to speak into the microphones because the meeting is being recorded and transcribed, so please use the microphone. Don't just...

William Drake: There you go.

Robin Gross: Okay, go ahead.

William Drake: Check. Check.

Man: Check. Check.

William Drake: Yes. Slovak. Slovak. I'm Bill Drake and I'm from the University of Zurich and I'm a member of the GNSO Council representing NCSG, and a member of the EURALO Board of Directors.

Adam Peake: Oh hello, I'm Adam Peake and I work for GLOCOM in Tokyo and a member of the NCUC.

Rafik Dammak: Hello. My name is Rafik. I am a Councilor for the NCUC and the GNSO Council. I am also working in Japan not too much.

Wendy Seltzer: Wendy Seltzer, yet another NCSG Councilor and a law professor, legal researcher, interested in the freedom of expression online.

David Cake: I am David Cake. I am the Interim Chair of the Non-Commercial Users Constituency, and I am also the Chair of Electronic Frontiers Australia and I am not a Councilor.

Edward Morris: Hi, Edward Morris from the University of Leeds.

(Maraska McGregor): Hi. I am (Maraska McGregor) and I am of Metropolitan University here in Prague. I am a lawyer.

(Roy Baez):   (Roy Baez) in the Saint Thomas University School of Law in the library.

Adam Freeman: I'm Adam Freeman from Oxford University and a student studying Internet going on.

Alain Berranger: Hi, my name is Alain Berranger. I'm Chair of the New Constituency in the Stakeholder's Group, NPOC, and when I don't do that I'm retired.

Emily Weitzenboeck: Hello. I'm Emily Weitzenboeck from the University of Oslo. I'm a Postdoctoral Researcher there at the NRCCL, Norwegian Research Center for Computers and Law.

(Ashme Kofa):   Hello. My name is (Ashme Kofa). I'm from the University of Vienna and doing some research in Internet governance.

Tobias Mahler: Hi, my name is Tobias Mahler and also at the Norwegian Research Center for Computers and Law working with Emily.

Robin Gross: Is that everyone? Over here. Sorry. Can we have the microphone over here please? Thank you.

Joy Liddicoat: Hi. Joy Liddicoat and NCUC member and GNSO Councilor, so I'm associated with the group of communication.

Robin Gross: Great. Thank you. Welcome. And I see we've got Rob Hoggarth over here also with the Staff. Thank you for coming. Okay, so let's get started with our agenda.

We're going to first hear from the Chairs of the two constituencies in the Non-Commercial Stakeholder Group, NPOC and NCUC. So Alain, would you like to give us a quick update about your meeting this morning? You - absolutely.

Alain Berranger: Hi everyone. I'm just checking my notes. Yes, we had a meeting this morning. It was a short meeting, about an hour and 15 minutes, and we did two things.

We did a short seminar or workshop on e-fundraising and for NGOs. We had two present - two speakers from - we tried to attract other constituencies into our work, so we had Angie Graves from the business community that addressed the interface user issue of fundraising.

And we had Kiran Malancharuvil from the intellectual property constituency who addressed the legal issues of e-fundraising. The interesting - what I noticed is that of course e-fundraising is the fastest growing fundraising segment in North America, but it's also the smallest.

And the developing country members are mostly interested in fundraising - don't have the bandwidth nor the platform facilities to do it, so it's a work in progress.

So there was a lot of interest. We'll be posting the two presentations on our Web site. The second thing I did and I'll take advice from Robin, there's - I have an activity report of our constituencies, which is what I will also give this afternoon or depending on the time and the - I can change the version. So it takes about five minutes for me to give it. What do you think?

Robin Gross: Go ahead.

Alain Berranger: Go. Thanks. So in fact at San Jose we - NPOC Executive Committee was just designated in interim. We weren't elected. And the first thing that

happened after San Jose was elections were held, and so we have a slate of executives now from Canada, the U.S. and Costa Rica.

Our membership numbers - we have a total of 48 members now. It's - but it's made up in different groups. We have 25 which are properly approved members.

We have 12 where Robin and I are working on getting the application through. We have three under contention. We have three new ones since which won't be a problem.

And I've received five requests for membership since I've arrived in Prague. The NPOC is in a strategic partnership with the Global Knowledge Partnership Foundation, GKP.

That's - the Global Knowledge Partnership Foundation is a 14-year-old organizations. I facilitate the Partnership because I'm on the Board of Trustee of this Foundation that was incorporated two years ago in Spain under European law.

And it's an organization that regroups mostly NGOs that are interested in the developing countries interesting in using the Internet for social purpose. Policy theoretically shouldn't - and related objectives.

We were able to hold our first event with our budget at the World Summit on Information Society, the WSIS 2012 in Geneva, and I wasn't there but I heard it was very successful.

We've engaged into a - NPOC will be managing and coordinating a new publication and applied research publication on the subject of NGOs and Internet governance.

It will be - the Editorial Board is formed. Most of the authors are lined up as well as the - an academic journal in - out of the university in British Columbia, Canada.

And I'm pleased to report that this publication actually includes both from the Editorial Board and on authors members of NPOC but also members of NCUC, so you could say that it has a Stakeholders Group flavor.

But we also have external authors so we'll keep you posted on its progress. We did our first Africa outreach event. Actually I should say effort because it was virtual and we did it in corroboration with and support from the Africa Manager Regional Relations, Amrita Choudhury, using the Afrinic.net list and media.

And we - by breaking a few arms we were able to get it done in four languages, which was important, so English and of course French, Portuguese and Arabic.

So that was satisfying and that should reach a good - most of Africa. We have a participation of four NPOC members in Prague. That's a lot for us because we have no budget but we did it with external support.

Members here are from the USA, Gambia, Switzerland and Canada. What we did since San Jose, and that's - my activity report is for that date, we prepared the ICANN - we prepared a proposal for our program on a ICANN call for FY13.

And that budget was - well it was cut a lot but it was subsequently approved by the Board three days ago - two days ago. The focus of our program for financial '13 will be outreach.

Nothing surprising - Webinars, recruitments and workshops but not workshops on our own standing alone because we can't afford to do that, but workshops where we will piggyback on other ICT conferences.

And the first workshop the subject is being determined. It will be fundraising training for NGOs. We - I don't know if it's a matter of being - if it's easy to be small when you're transparent or transparent when you're small I mean, but we decided to put our statement of revenues and expense to June 15 on the Web site for the public, so every cent that we've received can - is accounted for.

And finally it was - we had an interesting event. One of the NPOC member received the - shared the procedures' serious price. It's not quite the Nobel Prize but this organization already had four Nobel Prize, so that was a good European-based prize too.

That's the - I named the International Federation of Red Cross and Red Crescent Society. So it's just a kudo to them and we had nothing to do with it of course, but we're pleased to have them as members. So that's it Robin. Thank you very much.

Robin Gross: Thank you Alain. I appreciate that update. Does anyone have any questions for Alain real quick before we move on? All right, thank you very much. If we could now hear from David Cake who is the Chair of the Non-Commercial Users Constituency, and he can give us an update this morning.

David Cake: Yes. I'll be relatively brief because I think the majority of the people in the room were already at our meeting this morning. So we discussed a range of policy issues.

We have resolved in particular the - of great concern to us this week has been the RAA, Register Agreement renegotiation. We found that on a whole that issue has involved a lot of law enforcement pushing for powers they

probably shouldn't have and very little recognition of the various laws that cover privacy and data retention that would reduce - that would frankly make - a lot of other law enforcement agencies are asking for a legal in a lot of jurisdictions.

So we resolved as a constituency to send a letter to several - to draft a letter to several of those privacy agencies, asking for them to be - basically bring the negotiations to their awareness and asking for them to be involved.

That is - we're starting with in particular the Article 29 Working Group of the European Union that we'll be aiming at other privacy agencies particularly in the U.S., Canada and the UK which are the ones that - the - we do represent the law enforcement agencies that have been most active within ICANN on this issue.

We have no objection to that becoming a - as far as I understand we have no objection to that NCUC letter becoming an NCSG letter if NPOC are involved, but certainly we've set up a Drafting Team that are going to push ahead with that one.

We have - we covered a number of other policy issues but we - we're - certainly on the International Red Cross and IOC and other IGO issue we - mostly we have policy discussion worked out but that's a very complicated area and we still don't have agreement within our Stakeholder Group and the - but I think we - general agreement that the process so far has been very messed up and there's a long way to go towards their sort of policy resolution on those issues.

We also discussed our internal outreach efforts. In particular we are organizing an outreach effort before the Toronto ICANN meeting, and we talked a bit about the practicalities and logistics of that.

That will be concentrating on the cybersecurity issue and a few others when - I don't want to go into too much detail about it, but certainly we'll be reaching out to a lot of people beyond the constituency to act as speakers inside of that event.

So what else have I - should I discuss? We covered a number of other policy issues where you're concerned about the consumer metrics proposal before the GNSO.

We don't think - oh we weren't in broad agreement with the idea, but there are quite a lot of devil in the detail with which metrics and what they're measuring and what applicant behavior they're considering good and - Registrant behavior they're considering good and bad.

We - there are several we're considering discussing and that brought in some issues beyond - strictly beyond current ICANN events in particular. There was discussion about their proposals within the ITS - a draft - floating for draft proposals, alternate Internet route domain - DNS routes which we think is of, you know, concern and we should get onto that one straightaway.

We could have another - arrange another proposals if anyone - is there anything else that I had forgotten to mention? Anybody? Well I'll - yes.

Robin Gross: Great. Thank you very much David. Anyone have any questions for David? All right, thanks. Oh yes. Microphone over here please.

Alain Berranger: Before I ask a question I forgot to make a statement that in our outreach we of course expect to call on the other constituency and that Stakeholders Group to broaden the - our resource base but also our expertise base.

So my question is for that it's very quick to do an outreach event before Toronto given it's during the summer, but I'm glad you're doing that. And I'm

just offering our collaboration if we can contribute in any way, either speakers or otherwise.

And also if you want to do anything pre-Toronto well that's my backyard and I can help.

David Cake: Thank you very much Alain. I think we have - the logistics of that event seem to be reasonably under control but we certainly will be - I'm sure there will be things for speakers and - well Robin - so I'm sure she can speak to that.

Robin Gross: I'm sorry, is there a question for me?

David Cake: No.

Robin Gross: Oh okay. Okay. All right, thank you very much. Thank you David. Let's move on on the agenda. The first item to discuss is NCSG outreach to other ICANN stakeholders. Is Mary here?

Alain Berranger: No.

Robin Gross: No? Okay, well this was something I was hoping Mary would discuss with the group but I guess she's not here. Okay, so this is about how to be more effective here at ICANN.

And one of the ways of doing that is really trying to reach out to the - a lot of the other Stakeholder Groups and spend time explaining the issues that we care about to them, and getting them to understand our issues.

I think a lot of time - we spend a lot of time amongst ourselves and talking amongst ourselves and I think there's a lot of value in really trying to reach out and, you know, go talk to the Registrars, go talk to the Registries, go talk to people in the CSG about what the issues are that we care about and really try to help broaden the relationships and the communication that we've got

with the other Stakeholder Groups just to try to get a better - so they can understand us better and we can understand them better.

Does anyone have anything they want to add on this topic? Yes Joy. Can we have a microphone over here please?

Joy Liddicoat: Thanks. Well a couple of things. One is I think that it would be useful to be talking with NPOC members for example about, you know, the outreach, you know, we're doing so that we can collaborate from that.

Nothing was then duplicating on the seniority meetings and particularly for other constituency groups. Speaking of me, I think if there are some key messages from NPOC on particular topics or NCUC, I think it's useful if we know them mutually so that we can articulate them if asked about.

So those were some thoughts. The other thing is - I guess a question really is whether there are some particular constituencies we think it would be useful to be trying to build relationships with.

And we've talked a lot in - since Brussels to (Alec) but I'm wondering if someone had particular perspectives on some priority for example that we should be focusing on and so if you could talk more about that.

Robin Gross: Bill did you have something you were just going to say on this topic? No?

William Drake: Well okay.

Robin Gross: Could we have a microphone over here please? Great. Thank you.

William Drake: Hello. This is Bill Drake. The question of cooperation with other Stakeholder Groups always gets complicated. We always say that it's important to try to do it, but then when it comes to actual Council discussions and decisions the possibilities often seem to narrow.

Certainly there are some cases where for example with law enforcement and some of those issues some cooperation with the Registrars would seem possible.

I also had a conversation yesterday with somebody from the Registry Stakeholder Group who asked me about the possibility of trying again on the Outreach Task Force proposal, saying that they felt that actually the Registries would support it.

So there was one Stakeholder Group that doesn't and then - so - and my suggestion was well if we can't do it all at the - in terms of all four Stakeholder Groups, it's still possible to have some cooperation and dialog on various issues amongst particular groups.

And he certainly seemed open to that so it could be that even with the Registries there's some possibilities of outreach, that we have some colleagues there with whom certainly a number of us have good working relationships.

Within the House it becomes more difficult unfortunately. CSG - we have been in alignment on some issues, but more often than not in recent times we found ourselves in - taking different positions.

So that's a bit more complicated. So I would certainly suggest that with the Contracted Parties and the Non we could make a greater effort. And of course as we've talked about before yesterday in the meeting ALAC remains interested in doing stuff, and there were concrete proposals for some joint statements on globalization and outreach issues and so on made yesterday that I think we should definitely follow up on.

When you have a group that's expressing this we are ready to cooperate and we are ready to jointly say things, so we should definitely I would think give that some priority.

The last point I would make is the GAC - we have opened up relations with some members already. We had a good conversation with the U.S. Government yesterday, and I just spoke with the European Commission representative who said that he would love to meet with us.

And the point is trying to find the time. If nothing else works we might talk at the reception tonight. So there are governments and there are Stakeholder Groups with whom dialog and some coordination and cooperation is possible.

It's a matter of having the bandwidth. We're all a bit spread thin and we - what would make that more effective obviously is to get more hands on deck, get more people involved in sharing the loads and then that would free up some energies to be able to do these things more precisely.

Robin Gross: Thank you Bill. You've kind of hit on where I wanted to go with this. You are the NCSG liaison to At-Large and we don't have liaisons with other - any other Stakeholder Groups or with GAC or anything like that.

And I - and I'd like to just ask the question do you think we should? Do you think it would be helpful for someone to be a liaison to the Registries or take, you know, responsibility to try to get that channel of communication going and so we know when there's an issue we can go to a particular person to try to handle that relationship. Yes Wendy.

Wendy Seltzer: Wendy Seltzer. I've been serving as informal liaison with the Registrars so I'm having some conversations with them, and I'll be talking with them for a bit this afternoon as well.

Robin Gross: Great. So we've got sort of a liaison with the Registrars. What do others think? Do you think that might be worth doing? Yes Joy.

Joy Liddicoat: Well just some - perhaps a solution. I mean, perhaps what we should start thinking about is inviting particular other people to come to these meetings during ICANN if we're having a thematic, you know, a discussion topic we think they're particularly interested in.

And I just did it with the Registrars on the IA for Monday. Is it Monday? But yes, the informal, I mean, that's a practical way to do it in addition to just sort of talking to people informally.

And similarly with some of the GAC members, I mean, if we'd had expressions of interest then, you know, why not do that? I mean, I'm interested in hearing from Alain maybe something around the IT constituency if you think there are, you know, a particular list that you guys are undertaking with them or we have the other list.

Alain Berranger: Thank you Joy. No, I completely of course agree to the principle of I think increasing into a constituency and I have - excuse me, into a Stakeholders Group corroboration.

I think it's not so much the constituency as the individuals in the constituencies that we would partner with. So - but yes, I don't think I have any specific suggestions really.

It has to be analyzed a little bit from the strategic objectives that the Stakeholder Group wants to achieve.

Robin Gross: Thank you Alain. Would anyone else like to get in the queue on this point? All right, then let's move on to the next issue on the agenda, which is the review of ICANN policy input opportunities and discussion of possible statements of NCSG members.

So first we'll talk about the topics in Thursday's public forum, and try to get some discussion - policy discussion going about where do we - where are we coming from on these issues?

Is this something that we really care about that we want to make a statement on? I don't think we can - it'll be very difficult or it doesn't have to be anything like an SCSG statement or a constituency statement.

I mean, I'm really talking about us as individuals going up to the microphone and making statements. So the first issue is new gTLDs and - which is such a huge issue here this week.

Are there things that we want to say at the microphone that we want the Board and the community - the At-Large to understand? What are our concerns about these issues?

What is the message that we have that we want to bring to the table on this issue? So let me just - I realize it's a very broad issue, new gTLDs, but let me just open it up and start there.

What are the things that concern people on that and they would like to make a statement on or would like to hear - have some discussion about considering a statement; anyone?

Yes, Adam.

Adam Peake: Adam Peake. There's been a lot of concerns since the very high level comment I suppose is on the failure, I'm assuming failure of the outreach in communication plans that we are concerned or there has been concern raised that the number of applicants from developed and emerging economies is particularly low compared to North America and Europe. And whether that's something that concerns this group, I don't know. But it's

something that you - we hear a lot throughout the community at large so it may be something to echo, reference in some way.

Robin Gross: Thank you. Yes, Bill.

William Drake: We expressed concern about this - about the possibility that it's happening in the Council. And it went up through the process. We expressed concern about it all through the (JAS) negotiations. We expressed concern about it after it happened in the ALAC Meeting yesterday and we discussed the possibility of whether we would want to have any kind of a joint statement with ALAC on this.

So yes, yes, yes, yes. There are concerns. And we definitely - I think it's reasonable to say that there's a missed opportunity to try to diversify participation in the (OB) space and that if you actually look at the breakdown a lot - you know in Asia a lot of the remotes I suppose of the applications are from OECD countries and a lot of the even the European ones are actually American. They're Amazon and so on. And a lot - and the ones that are few that are from developing countries often have linkages (into the arts).

So there has been a real I think systemic failure whether that's a - and certainly the outreach strategy was a failure. Just sending right around - we have photo opportunities of prime ministers was not a way to - well really, is not a way to try to go out in engagement in the space.

And it's not at all clear what kind of work the staff has really done. And one of the parts I would like to raise with the Board today when we talk about globalization and outreach is exactly what did the staff do in terms of bringing information about this.

I thought the web - the redesign of the web site to make it really feel like a corporate American web site, you know, like a business web site rather than

an international body was kind of unfortunate in this regard. I don't think that helps.

So I don't know what they really did. But clearly not enough was done. It may well be that there is not substantial demand out there in developing world but there certainly are businesses and then maybe - okay, one can also argue people just think there's better uses for their money.

But it's also possible to imagine that there are communities and companies in developing countries who might well have wanted to take advantage of this especially if they could have applied for (JAS).

Robin Gross: Yes Alain.

Alain Berranger: Yes. I'm Alain (unintelligible). I would agree with the last two speakers. Yes, yes, yes, yes, yes like you said there.

But yes, one thought. Maybe one thing that we can do about it now, I mean looking at the facts there was only two deeper subject workshops on this program. And they occurred in North America and Europe.

So, you know, we have missed the chance to get some data. We should have - ICANN should have done some workshops in the other regions.

And the point I want to make is that there's no lack of money and interest and certainly technical capacity in the - some of these countries. And I was just - I'm not a technical guy so I don't know if it would be possible to actually have another call limited to the developing and emerging countries. But I don't know if that's even technically possible.

The other thing I was disappointed of course, we're the only three (JAS) applicant and the point I would make though is that in some of the applications right now I'm discovering a little by little at this meeting and doing

some research that they are not-for-profit organizations that have applied for these gTLDs.

So that maybe we can - it would be good if we knew where they were. I know for instance .Quebec would not - was - is the ISOC Society with public funding and that surplus will be redistributed to underserviced area in our large province so anyway just wanted to add this to the information.

Robin Gross: Thank you. Thank you. Anyone else want to get in the queue on new gTLDs, something that they want to mention, an issue of concern?

Yes, Adam. Microphone please, Bill can you hand that back? Okay, thanks.

Adam Peake: Adam Peake again. Yes, something to follow-on from Alain's statement that it's not enough to just complain about it again but to try and think what solutions might be. And I suppose a starting point is to actually evaluate or ask for an evaluation of what the communications and outreach plan was if we can have some detail of it.

And then probably to think about how do you go forward to evaluate whether people in developing countries were aware of the plan and what awareness they do have which is a sort of marketing research oriented? How do entrepreneurs in Africa, how much awareness do they have of ICANN, how much awareness do they have of this plan? Is there potential interest in TLDs?

I don't know how you actually express that but I think that, you know, there's two phases for it. We don't actually - the unfortunate thing is we don't actually know if there is demand within developing countries because the outreach plan was (paused) so it didn't tell us where, you know, you don't know because there wasn't really outreach/

So perhaps had there been a good outreach plan then there'd be no more applications. But we don't know that because the application - because the outreach plan was (paused). So, you know, how do you move that forward is the - a question that would be more useful I suppose.

Can't quite express what I mean but I know what I mean anyway.

Robin Gross: Thank you Adam. Anyone want to get in the queue on this?

Well one of the things we talked about at the - in the Policy Committee Meeting the other day on new gTLDs was concern about objections coming forward that the - for - either from the independent objector or from, you know, somebody who just doesn't like a word or doesn't want to have a word allowed in the (route).

And so one of the things we talked about was really trying to keep an eye on these kind of objections and perhaps countering them where appropriate with some freedom of expression, statements and if you will support for an application that has been - is being criticized as being inappropriate word or concept or idea in certain countries. I know there's several applications for .Gay. There's some thoughts that governments will object to that; .Sex, .Sexy and then .catholic in various languages. There'll probably be some fights over that.

So I think that just keeping an eye on the objections and sort of from a human rights, freedom of expression perspective, keeping an eye on that and weighing in where appropriate.

Okay, anyone else want to say anything on new gTLDs, perhaps some thoughts?

Yes, Joy.

Can we have a microphone over here please?

Joy Liddicoat: Just one other point that was made to me from (Ricardo) yesterday about new gTLDs was whether or not (NPC) had any concerns about applications for generic words particularly for example .family or (.book) or which might close off or limit otherwise free expression, yes. It's quite apart from - particularly with (these that) are being (sought) by (brains).

And was something that we discussed in a Policy Committee Meeting on Monday. But I think I just think it's interesting that people are wondering what, you know, what we've got the say more generally and we might want to put that in (our work) on new gTLD.

Robin Gross: Yes, that's a good idea. Yes, Wolf.

Wolf-Ulrich Knoben: Good. You know another point is, you know, before the whole process started we had long discussions about categories. There were several proposals to have categories for cities and regions, for brand names and all this. This was rejected because it was, you know, it's all gTLD. In particular (Steve Copper) was very against this categorization.

It's probably (unintelligible) in the guide book because you have for, you know, some special things like regions, you need a letter from the Administration. But it's okay.

But now we have to (unintelligible) with (Manhattan). And it would make sense, you know, probably to go (switch) applications and, you know, that let's say after we went, you know, to try to put them into different categories. Because there's huge differences between applications from brand owners, applications for generic names, applications for cities and regions and for communities. At least these four are very clear categories.

And probably, you know, we could think about all of them as differential treatment of these categories because (unintelligible) from the noncommercial point of view well gTLDs which represent the public interest, you know, could (unintelligible) priority, you know, against others.

So I don't know whether there's (more trite) consensus but anyhow, you know, it would enrich the discussion.

Robin Gross: Thank you. Yes, anyone else want to get in the queue on this?

I know another thing that was concerning was the size of the independent objector budget that has been proposed by the - by ICANN. I believe it's $25 million. And there's a lot of concern that with a budget that size, you know, there's going to be pressure just to have to justify that budget and come up with objections in order to, you know, be able to justify that high of a budget.

So that might something we might want to raise with the - in the public forum as well is concern over the independent objector, the size of it and hoping that he won't be bringing frivolous and arbitrary objections. It seems that with such a large budget it almost welcomes, encourages people to contact him, to file objections.

Yes, Alain.

Can we get the microphone back here? Wolf, Bill, one of you. Okay, thanks.

Alain Berranger: So I'll try and be clear this time. Following on from (Joy)'s point in the GAC, one of the GAC members mentioned that taking a generic term and sort of prioritizing it as the ownership, sole ownership of a company perhaps that fails a public interest test as the GAC and both the ALAC have a right to object on public interest grounds.

And so that might be something for this community to think about, for us to think about. Do we believe that that is public interest?

Is taking kids into the proprietary ownership of a company a failure in the public interest? I don't know.\

But it might be something to consider because certainly the ALAC and the GAC have that right or the potential to object on those grounds if we want to lobby them on it, etcetera.

Robin Gross: A lot of reason to object. That's our new world.

Alain Berranger: Not quite freedom of speech that you started this with but never mind.

Robin Gross: Anyone else, anything under gTLDs that we might want to have said in the public forum this week?

No. Yes, Bill.

William Drake: I just want to ask Adam about his view on this because I think (unintelligible) no policy new here. But Adam there, I mean there's - I know that there's been a lot of discussion about this topic and articles and circle (ID) and so on.

In the applicant guide book and in the discussion process in the Council there really wasn't a lot of thought given to that particular issue.

And so some could argue that after people have (unintelligible) we would be effectively proposing to change quite a bit where we could now say oh by the way we consider this entire category of behaviors to be not in the public interest.

So I recognize the concern there. But I wonder if I'm, given the way ICANN's processes are we might not put ourselves in the awkward position (unintelligible). What do you think?

Adam Peake: I think it's going to be a very awkward position anyway because you're talking about having - about objection to applications from - to the largest companies in the world in our sector.

So if anybody including the GAC wants to go up against Google and Amazon then they're going to need a lot of courage.

But I don't know. I don't think we ever - have ever defined what the public interest is within ICANN. But it has been raised many times.

And so I don't think it would be unreasonable to have that discussion. It doesn't mean that we've decided one way or another, what it is, but it's the GAC and the ALAC have the potential to make an objection on those grounds.

So it's probably something that the group should be interested in. You know we should at least consider it otherwise we're not going to influence their or have the opportunity to influence their decision on this. ALAC being particularly I don't know, possibly flakey on it.

Oh I'm on the record saying that as an ex-ALAC member but never mind. Thanks.

Woman: Well my concern is ICANN trying to define the public interest. I mean this is not the place. If you want to have those kinds of matters decided, I mean this is such a corporate lobbying and governmental - I mean this is my personal opinion, view that it would do more damage to try to say oh it's inappropriate for a company to have the word kids on the Internet. I mean did we really think we weren't going to see these kinds of applications come forward?

Of course I mean all along we knew this would happen and now people are like, well gee, that's not been the public interest so we shouldn't do that.

So I don't know. I think that it would be more harmful for ICANN to start going around making claims about what's in the public interest and I think that, you know, that's more appropriate at a legal, national law level. And if, you know, things are legal to do well then I think we should probably let it happen and not try to start deciding, you know, who is more appropriate than someone else to use the word kids on the Internet.

But that's just my view on the matter. I would be curious if others wanted to get into the queue on this issue; Joy and then Mary.

Woman: It's just a very quick question. Not actually even answering your question rather, you know, just thinking of what Adam said. Isn't it far more likely that should this be an issue that begins to trouble a few members of the GAC and we know that it has that rather than objecting or rather than even be very specific in terms of what they might want to highlight they are supposed to use the phrase global public interest. We've seen them use it more and more in the last few meetings without defining what it is.

But do so in the form of a letter to the Board or a form of advice and basically saying something like some of us are concerned of some of these applications because it might result in a generic word being monopolized and very large companies (can) say something about it which is not an objection.

I would think the GAC is going to add, that's the kind of thing they're going to do. I could be wrong.

Robin Gross: Joy.

Joy Liddicoat: Yes. I mean I can relate to that objections and principle. I think if we feel strongly that there's a public interest that we - that needs to be protected whether it's free expression or some other meaning we should be thinking about has a - that our view be known about that.

But what I think we discussed at the (ECD) (unintelligible) Policy Committee Meeting on Monday was developing an issue paper that we would submit during the public comment period that would highlight some key aspects around freedom of expression and human rights that we think should be taken into account in the round - and taking some examples of applications where we think needs improvement.

So I don't think we need to discuss and agree on, you know, .Kids or whatever.

But I do think we need to position ourselves in relation to what we think are the factors around public, you know, public interest and as we discussed on Monday.

Robin Gross: Thank you Joy. Anyone else have anything on new gTLDs?

Okay, let's move on then to the next issue, and Thursday's public forum topic, the globalization of ICANN. And I know this is something that the Stakeholder Group has cared a great deal about trying to encourage ICANN to be more global, to have more participants from outside of the U.S. and Europe, diverse voices, new voices that haven't been here before trying to reach out to these new communities and new interests and bringing them in.

So are there thoughts, people have thoughts of things they would like to hear or have said on the globalization of ICANN, anyone?

Rafik you - do you have - did you have something on that one, globalization, because I know you have some opinions?

Rafik Dammak: (Unintelligible).

Robin Gross: But you don't have a voice because he's a little ill. Okay.

                  Did you want to say something or no?

Rafik Dammak: Okay. We had really (teaming) with outreach (fortunate) so to bring more
                  people to make a discussion about - I think the globalization for ICANN is
                  (unintelligible) to bring new member to community for the structure of the
                  organization itself and the staff and the Board and even how it's
                  (unintelligible) like for example they have the global partnership which means
                  that kind of regional manager in each region but not enough resources like in
                  Africa for example to cover the whole region.

                  And so this manager cannot for example to be in touch with civil society. He
                  can only really focus in the government of (this entity). So (it will solve) that
                  problem.

                  And that's what also I said about have more staff with international
                  experience so that they can (understand). I have the feeling that ICANN is
                  still in United States dominated country, dominated structure.

                  (How) (unintelligible) for the (unintelligible) to understand. It was just there is
                  not established culture.

                  So how we can change culture is to bring these new people, new (minds),
                  (new thinking) and I'm sorry.

Robin Gross: Thank you Rafik. Are you okay? Okay, yes. Wolf.

                  Bill, can you hand that microphone over? Thank you.

Wolf-Ulrich Knoben: This issue of ICANN internationalization, of globalization is on the agenda since years, since more than ten years.

And the (unintelligible) you know there was first the idea just to open offices in different places, the home place of TOBI and Sydney and (unintelligible) so but just didn't really change the situation.

Then there were several committees, Presidential Committees. There was a high level Strategic Presidential Committee and there was another working group on internationalization of ICANN.

But all this, you know, never led to a very quick complete conclusions. And globalization in the eyes of the outgoing (CEO) (unintelligible) traveling around the world meeting prime ministers and saying this is ICANN. So but this did not affect obviously (the mobility) nature.

But ICANN is still treated by many groups and as we heard in yesterday's opening discussions as kind of a fully based U.S. private corporation which is bad for ICANN and which is also not the truth. The truth is that the fact ICANN is international. But a lot of people do not see ICANN as an international corporation.

So one of the idea was in the working group where a couple of members I think let's say (unintelligible) and somebody else came out and said, you know, perhaps let's say another ICANN incorporated under Swiss law in Brussels or elsewhere as ICANN International.

But because for a lot of parties and (unintelligible) is - department is that if they have a conflict with ICANN they have to go to kind of a common cause. And that's why there's a return to the California incorporated corporation. So it needs to have an alternative which, you know, be interesting way, you know, to offer let's say in cases of conflicts an alternative to go to a Swiss (unintelligible) (what else).

So but anyhow, you know, there's a new CEO now. I think time is right to make this as a big issue and probably, you know, it could be a proposal from the Noncommercial Stakeholder Group to write the GSNO Council, you know, to recommend to the new CEO to establish a special working group about ICANN internationalization.

So it's enough to do outreach meetings and to (third) prime ministers or even local constituencies that ICANN is a (grantee). But it means something has to be changed to actually, you know, to make ICANN more international. And it's not enough to open just an office.

So and we had to put ideas on the table so we compared (unintelligible), you know, the ICANN, just the IOC or the International Red Cross. So and we came to the conclusion, though this is probably not a good example.

But anyhow, you know, something new has to be developed and so far it's always good if you have no (unintelligible) at the moment and create a working group and that we (unintelligible) publicly amended (to come with these) proposals.

And the moment of the new CEO is a very good moment, you know, to encourage him to move forward in this direction. Thank you.

Robin Gross: Thank you, Wolf. Yes, Alain.

Alain Berranger: Yes. I wanted to add just a solution. We do have the resources that we have and outreach is not (unintelligible). But we also be - in our outreach we should use that to promote the internationalization of ICANN.

So (unintelligible) so we - it's not because we can't make a big (unintelligible). It's got to be - it's a mindset change. It's a cultural change or from an organization point of view.

And I think we have to show in our outreach that we are really truly favoring that so holding our meeting in developing countries and bringing developing countries' experts to the panels will I think increase the - will internationalize the communities.

Robin Gross: Thank you.

Anyone else have anything on globalization?

Okay then -- yes Adam?

Adam Peake: Sorry Adam Peake again. The At Large has produced its paper, the R3 paper bringing respect and something and something and another two to ICANN -- sorry, I can send that list -- but one of their recommendations, and this doesn't quite go as far as Wolfgang's proposals but it might be a start, is that the board's global relationships committee be open to non-board members. So if the At Large is going to propose that then we might say we support that. It's a minor beginning but it's a start and it's...

Robin Gross: Thank you Adam. Yes Bill?

William Drake: (Unintelligible) at our last meeting with them in San Jose and as we talked about in the meeting they lack again yesterday -- sorry, I'm starting to get into some déjà vu conversations -- we indicated again that we certainly (unintelligible) so if we would like to do something like that we should do it very quick. I undoubtedly raise the point again this time.

I mean, we've had I think three or four meetings now with the board where -- between NCSG and the board -- where we've talked about globalization and I've asked them about that committee and its work and how people can participate and gotten somewhat abstract answers but it does seem that there was a growing recognition particularly among (Bertrand) and maybe a

few others that they should think about how to involve the community more in what they're doing.

We all have a strong interest in these matters, we're all involved in Internet governance, discussions elsewhere where requested at the organizational forum and whether ICANN should be some sort of, you know, different organization with a host agreement in another country and all that and et cetera, et cetera could be pursued and so I mean certainly I'm happy to continue to raise this question. And I would think NCSG has not actually written anything about it. I know we just kind of said it to people so if people want to actually make a statement about it I would certainly participate in doing that.

Robin Gross: Thank you Bill.

William Drake: Drafting it in other words.

Robin Gross: All right. Anyone else? Okay then let's move onto the next topic: Who Is review team's final report. That's on Thursday's agenda.

Yes Wendy did you have something you wanted to...? Or were you stretching, did I misunderstand? Yes thank you, you need a microphone.

Wendy Seltzer: And I think we submitted comments raising significant human rights and privacy concerns against the Who Is report when the review put it out for public comment and we put those in. By reference when the board put this up for public comment I think it's useful for us to go to the microphone and say two things in here because the board is asking how should these things be implemented, or at least is asking some people that, as well I think they should be asking should these things be implemented so I'm intending to say both they should not be implemented and if they should implemented, that question should come to GNSO for policy development because these are

not mere implementation of defined policy but rather policy that has yet to be defined.

Robin Gross: Okay thank you for that Wendy, we appreciate that.

Anyone else want to get in the queue on the Who Is review team final report?

Wendy Seltzer: Actually, if I may, there is a period of reply comments open. I thought they were excellent comments submitted by the registry's stakeholder group and by (Andrew Sullivan) as an individual in the initial comment period. And I would like to propose that NCSG submit a comment endorsing those as well.

Robin Gross: Okay great, thanks Wendy. Anyone else? Seconds and thirds for Wendy's proposal. Any objections? Hearing no objections.

Okay the next issue: balancing the capacity of volunteers and ICANN staffers' workload and demands on Thursday's public forum topic. So does anyone have anything they want to say on what we can tell ICANN to do to help balance the capacity of its the participants?

Yes Wendy?

Wendy Seltzer: Well I might suggest that we somewhat hijack this topic to raise another one that I think we need to inform the board about which is the deadlock in the GNSO council so I think it's related. A lot of the reason that workload is piling up is because the GNSO council is nonfunctional and I think that's a result of the so-called improvements silos, the voting into stakeholder groups and houses and fixes the place of the NomCom, the nominating committee appointees.

And we hear elsewhere that some people think that the review should be delayed because the face of the council will change. I think that we need to change the council before we, at least simultaneous with getting new

members in otherwise it will be nonfunctional with more people and those people will just ignore us, go elsewhere and think the way that or the primary way that noncommercial stakeholders affect ICANN policy through the GNSO council we would benefit by having a functional council that could make consensus policy.

Robin Gross: Thank you Wendy. Yes Avri?

Avri Doria: Yes I want to endorse that and add to it. I want to endorse to that and add to it. I think part of the reason is that - and so I'm definitely in favor of a review on the GNSO council because to my naïve observer's eye it is badly broken. And I think it's broken for a couple reasons: one, it's broken because of the silly oppositional structure that's made there to actually create opposition as opposed to create working together environments, the ability to build consensus as our new and future CEO says. It's broken because it's got too many people it. It's broken because it forgot what's its new job was.

Its new job is not to continue to try and legislate, which they're still trying to do, they've got working groups for that. Part of the review is going to need to look at the GNSO. The working group structure that has been coming in, working groups are getting worked on. Working groups are sending things to the council. The council is then looking at it and saying, "But that's not what we would have done" forgetting that the bottom-up structure has sent them stuff, that the council's new job in this reorganization was to be was proper process covered, were the people, you know, was everyone duly represented, et cetera. They're not supposed to be looking at issues and saying do we agree or disagree. That is no longer the council's job.

And so I think we may need another review to first of all get rid of the silly structure of oppositional houses, to go back to the simplicity of three or four represented from every stakeholder group. Because we also solved the problems that we used to have, you know, if we wanted to get rid of

proportional voting, so we put in a silly structure that encapsulated proportional voting by having twice as many members.

But then we realized that that didn't work and so we put in various voting thresholds and then all of a sudden we could have realized gee we could have worked with a smaller council, three to four members from every stakeholder group, really purely administrative function to make sure that we start working groups, that the working groups are run properly and that, you know, and then pass the things on. And the voting thresholds could still apply to that smaller council, yes you need at least one from three-quarters of the SGs easy.

So I think that a review is necessary, I think that the representational balances have to be fixed on it and I think that it's especially important that we somehow in this review convince the SG council that they are not a legislature, that we really don't care whether they agree with what the working groups come out with, they just have to make sure that the working groups do the work properly.

Robin Gross: Thank you.

Yes (Mary) and then Wendy and then Bill.

(Mary):   I agree with just about all that's been said at least generally. I agree, having been on the council for four years and probably at least in its recent history probably its most dysfunctional period, it needs to be looked at in the context of a review of the entire GNSO (unintelligible) structure. And I assume that if we make these comments it's going to be directed towards the board structural improvements committee or whatever committee it is that does this thing.

With respect to what Avri just said, this is no way different or disagreeing with the point that's just been made, it terms of the number of people I guess I

would be a little wary about talking reducing numbers just bearing in mind the very fact that we had to get six people on. I know the point there was to get parity with the commercial stakeholder group but maybe we don't need to get into those specific details at this point because of that background issue.

Then I think in terms of the council being a legislature, I'm not sure what the problem there really is because it may just be that people or groups are gaming the system, not that there isn't a problem but maybe we're looking for a problem in the wrong place. Because if you think about how each group votes, we talked about it and then we decide how to vote and by and large for the most part our councilors tend to vote in a block. And I've been told that that's actually a very powerful signal from our group six of us voting the same way. But we also know that the registrars for example and the registries, their councilors vote as a directed by their constituency.

At a certain level we could say well the council isn't a legislature because any questions they ask, any opposition it raises is at the direction of its stakeholder group or constituencies. I don't really think that's always what's happening but that's kind of like the first in Avri's answer. So I think we want to raise that point. We might need to figure out a way to raise it that doesn't attract the immediate knee-jerk defensive response that then drops the issue.

Robin Gross: Yes Wendy? Thank you (Mary).

Wendy Seltzer: So a question for Avri: what is the council to do when it looks at the work of a working group that was clearly misrepresented, that one or more constituencies failed to participate for good or bad reasons and the group then comes out with a skewed recommendation? We've seen this against noncommercial but we simply didn't have participants in a group and so it came out with something crazy such as the registrant obligations document that's been held up as a model for the registrar accreditation agreement amendment. It was a bad document; we tried to stop it at the end because it

didn't represent our interest because we hadn't been able to participate effectively. Where would you suggest we fix that?

Avri Doria: Me again. I think that partly being an administrator and having the liaison function to these working groups is you're supposed to as a council notice that. You're supposed to notice that as the working group is going on, as you're getting the status reports and you're asking about the representativeness. It's not waiting till the end.

You know, in the case of that group we were at fault, we knew about the group, we didn't participate. It should have come up in G council that, you know, such and such a group is not represented, make sure they get there, make sure it's happening. You should send things back to groups if things come out as not representative and sort of say we're looking at the attendance sheet here, we're looking at who participated, there was no, you know, noncommercial, there was no registrars, there was no whatever. You send it back to them and say work on it some more because.

And so it comes out very similar but it's really directing a working group to do its work correctly. That's what I recommend you all do.

Robin Gross: Okay. And then Bill and then let's move onto another topic.

William Drake: First of all I'd like to say how happy I am that we're in a room with windows. It just occurred to me, "Wow I'm not falling asleep." Usually at this point in the day (unintelligible).

I understand the points that Avri's making. I did have the same kind of concern though that Wendy raised and I hear your answer but the answer sort of seems predicated on the notion that we're going to always have the people to get into these processes and do it and sometimes we just don't so we have to. Well we have a real problem with mobilizing bodies. And in a way the fact that something comes back to the council is kind of a last check, a

last possibility to make sure that people who have been objected -- objected, I don't know what I'm trying to say -- the people who have been elected to represent the stakeholder group make sure they get a look at it and so on.

So the question whether the council is broken, like (Mary) we've been on the same amount of time, we watched it fail to take decisions a lot of times and it's easy to say sure it's broken. At the same time I also think it's simply reflecting the fact that there's fundamental divisions in the whole community, you know, there's different interests. And those interests I'm not entirely sure whether if you were to reconfigure the structural organization of the process or change the voting thresholds or have a slightly different composition, you'd still have the same fundamental divisions and at some point people are going to deadlock on some things, at which point then the board gets to make decisions if it has to.

So to me non results are results as well. If you start from the position that, "God I'm pissed that this council can never agree on anything" then it's easy to be pissed all the time. If the council in fact fails to do something then I think accurately reflects where the community may be on something and then that becomes fodder for the ultimate decision.

So if we want to press for another re-look at the council after all the stuff we just went through we can do that. But I'm not sure at the end of the day we'd get to some place a lot better. It's hard to imagine what they are but I'm totally open to the idea.

Robin Gross: Okay thanks Bill. And then (Mary) (unintelligible) we're going to have to move on.

(Mary):   Less than one minute. So two things: one, picking on Wendy's suggestion of hijacking that topic, might I suggest that we refine it a little bit and pick up on something the council spoke to the board about on Sunday or whenever it was about this fact that the council is being bypassed and we offer the

perspective that the council or the GNSO's being bypassed because the GNSO simply can't make any decisions. I think that really is the substance of the point and perhaps a review could be illustrative or useful but that really is the basic point.

And I wanted to make one suggestion for us as a group that if we are shepherding motions or suggesting working groups that when we are gearing up to do that we line up people within our group that say you know what if it comes at an opportune time I'm happy to volunteer for it so that we know we're going to have people on those groups when they are chartered for the most part.

I think that we haven't done that in the past, that should be something that's relatively easy to do. And obviously we're not going to do that for every single IRTP working group only because we don't care mostly about IRTP -- mostly. But for things like some of the other working groups, I think if we can say we've got someone so if our councilors propose that motion or support that motion, we will be represented in that group.

Robin Gross: Great. Thank you very much (Mary).

Okay we're going to have to move on and skip ahead in the agenda because we will be meeting with the board this afternoon and so what we need to do is we need to go over some of the topics that we want to talk to the board about.

So let me skip ahead to the prep for the NCSG discussion with the board of directors. And there were three topics that we proposed to them and there was one topic that they proposed to us and then they've also got a few topics that they proposed to all the SGs.

And the first topic that we proposed was developing a human rights impact assessment for ICANN policy development processes. And so I was hoping

that Joy would you -- Rafik could you pass that microphone down there -- if Joy could you speak to this point?

Joy Liddicoat: Sure. I really picked up on something that we talked about with the board last team, we met with them in Costa Rica and I've been thinking that we should try to focus this discussion point a little further beyond the continual topic and in particular to highlight the proposed workshop at the IGS on ICANN public policy and human rights and call for or invite the board to participate in that -- and I was hoping (unintelligible) that you might like to write that, thank you.

And secondly I think it might be worthwhile just to reflect back to the board some of the discussion we've had here and (unintelligible) in the last few months about the idea of an input into the public common period on the new gTLD application round on some applications, the one that we need to evaluate. In other words it's to basically focus on a couple of specific things: invite the board to actively engage in that aspect and signal that we are offering a practical input on this topic so that we don't get into sort of juvenile discussion about human rights and ICANN which I think would not be the best use of the time.

Robin Gross: Great, thank you for that Joy.

What do others think? What can we say to the board? What's the message that we want to bring to them this afternoon on human rights? And I really appreciate Joy's opening up the discussion. Anyone?

Wolf, you usually have some...

I'm sorry yes?

Joy Liddicoat: Yes sorry, I just forgot to mention that the application that has been tabled was that we encouraged the board to consider ICANN becoming a member of the Global Network Initiative even though in (unintelligible) in some way.

Robin Gross: Yes that's a great idea. Is there anyone else? Bill?

William Drake: I support the Global Network Initiative concept and I wanted to just point out that it's occurred to me that in the past hour it's been all councilors talking mostly. So I'm wondering whether there might be some other folks in the room who would like to... This is open to everybody to participate and I wonder if there's some other views we might be able to get on some of these issues.

Robin Gross: Anyone?

William Drake: Human rights anyone? Would you like to be engaged, care to have an approach?

Robin Gross: Okay hearing no other views on the issue let's move onto the next issue on the... Yes Bill?

William Drake: Okay then I will just say we have to nail this down a little bit more because...

Robin Gross: That's what we're here for.

William Drake: ...people look at us and say what exactly do you want?

Robin Gross: That's why we're having this conversation.

William Drake: Right. And we've been saying to them for awhile to some of us it's entirely obvious what it means to talk about human rights in this context but for a lot of people in this community it's kind of like a new language so Joy can you give like one or two operational it would mean doing X and Ys kind of things that we could suggest to them?

Joy Liddicoat: Well I think in terms of applying to be part of the Global Network Initiative I think that's a very practical thing they can do. A number of specifically designed - it's an initiative that flows out of the works that's being done at the human rights council in the United Nations which has looked at the role of the private sector and the responsibilities of the private sector in relation to human rights and is a constructive initiative in the framework for those corporates that have public policy responsibilities or transitional operations to positively affirm and engage with the human rights framework.

Google for example I think is a member, Facebook is an observer and ICANN is a public interest corporation, you know, is a private corporation doing public policy work and it's an entirely appropriate avenue for it to consider.

And in relation to the other sort of practical suggestion in terms of inviting the board to have input into human rights discussions and other fora that are looking at how human rights get taken into public policy. That's the rationale for the IGS workshop, one solution.

I mean I appreciate your point Bill. I'm loathe to get into sort of discussion about what are human rights and so on at a satiric level because I think it gets murky but I think definitely practical suggestions and items of policy where they're currently relevant, it's actually the RAA and law enforcement who does verification amongst other things and the new gTLD rounds are quite practical example of things. I thinks it's clunky to get through. I wouldn't want the issues to be out of proportion on the board discussion, there are other topics that are equally important and pressing. But also if other people have other ideas or thoughts about example that would be useful then it would be good to hear them.

Robin Gross: Yes Bill?

William Drake: It seems to me that if you say you want an impact assessment you're asking them to establish a mechanism which will involve staff resources and focused

energies or some kind of -- I don't know if (unintelligible) community-based, I don't know what, but...

((Crosstalk))

Woman: ...I think the PDP process that's been revised as employee's requirements for an issues report that looks at amongst other things human rights, rights and related issues. And I think that what we're suggesting is that in order to put some capacity with an ICANN behind it, they need firstly community inputs so that they can be looking at what life issues are, or they may have (unintelligible) maybe lack of knowledge about them.

And beyond that, I'm not aware of any specific requests for ICANN resources or to the board for that stuff. I mean, is that actually...

William Drake: Okay. There - I just wanted to point out, I mean, what - are you thinking of the council of Europe, you adopted the statement on human rights and choice (unintelligible), are you talking about that kind of an assessment? Assessment of - I mean, because that might be something to point to given the - for example.

Woman: Are you talking about the council of Europe (unintelligible) or I'm not sure...

William Drake: Yes.

Woman: ...(unintelligible).

William Drake: Yes.

Woman: Well, I'm very loathe to do that because I think that ICANN is not a human rights standards making body. I think (unintelligible) that we got from the last, you know, from the discussion on the (unintelligible) but rather that and taking - making decisions as a matter of public policy, they take those into account.

William Drake: That's what's I meant. I didn't mean that ICANN would be adopting.

Robin Gross: Okay, yes Wolf.

Wolf-Ulrich Knoben: Probably we can make concrete proposals for the Toronto (unintelligible). We have a rather established, works up every ICANN meeting now and into the governance, which is well-attended. There was more than 500 people in the room (unintelligible) yesterday.

(Unintelligible) issues. There are at least two ongoing processes in ICANN which raise fundamental human rights issues. These are the (RAA) contracts, privacy, and (unintelligible) program that's free speech.

So it would be perfect just to have a workshop where we discuss the issue, where ICANN provides the space and said we have to be aware because this is all the awareness building on human rights dimensions of all the other private corporations which are working around. It's not enough if ICANN joins the (unintelligible) others which would be also good members of the (unintelligible).

And you know, this could be because (unintelligible) categories (unintelligible), next to the (unintelligible) governance workshop and another workshop on human rights and ICANN issues. This is a very concrete proposal.

Robin Gross: Great. Thank you for that. Anyone else have anything on this topic?

Are we comfortable with - yes (Carlos). Please, come and get a microphone.

(Carlos):   Thanks. The logistics of the room are not very much to facilitate the comments from the ones who are in the back. But we were behaving, I can guarantee you that.

So just as (unintelligible) example, when we were discussing the new (unintelligible) program, I would say like two years ago, there was this huge debate on morality and public order. And at that time, ICANN has requested for some experts in different countries to provide a report on standards for I would say exceptions to free speech, on international level and even national legislation level.

So the experts that were hired were law firms that contributed to this debate. But it's - I think clear that in a situation like this one, when you are proposing to create a system like the new gTLDs, they will have this greater impact in free speech. That would be a good example.

There was staff involvement with that, which are a long process, that result in a document, that was - one of the documents there was the ground, the basis for the system of the new gTLD that have been approved.

So this is a kind of situation in which human rights impact assessment could be useful to have the situation in which you're going to have a review on the national level or either you need international level, but to have altogether with this reviews system that is already in place as well a proposal for a human rights impact assessment.

This is just to give you a very concrete example from the past like in the recent past, like from I would say like in no more than two years ago that could be - could have useful, to have a debate on that.

And of course ICANN is not a human rights policymaking body certainly, but (unintelligible) of the policy there over the years is very clear that they (unintelligible) have impacts on human rights. I think that's the kind of language that we could communicate to the board later today.

That's it.

Robin Gross: Thank you very much (Carlos). Anyone else?

All right. The first topic the board sent to us to discuss is the continuing discussion from the previous meeting with them, both at the Senegal and this is - excuse me, this is their question, both at the Senegal and Costa Rica meetings we heard reports from you on the (NTSG)'s organizational matters.

We recognize that there are ongoing discussions on various administrative issues including any issues with the (R2) constituency (unintelligible) in (NPAC).

Can you provide us the status update on your organizational efforts including progress approving new members? So from my view I think we made a lot of progress and continue to make progress. We've approved a lot of new members, we've got some applications pending, in Podcast and applications pending that they're not sure where they are and so we need to track them and figure out where they are.

It's real clear, but we're working on those and we're working through those. So I think the message is really very positive that we've made some progress, although we had a couple of hiccups, we have a member of the Intellectual Property Constituency, the lobbyist for the (Olympic Committee), and tried to join NCSG a bunch of times, with a bunch of different organizations who want, you know, basically wanted 12 votes.

And then (CSG) and - we didn't' allow that. The NCSG Executive Committee didn't allow that. These organizations - non-commercial organizations are welcome to join, they just can't be represented by a number of the Intellectual Property Constituency.

So that was one little hiccup that we had. But other than that, I would say things are moving very well and pretty smooth. And let me just bring Alain up

because we want - and then - but I have to ask you to keep it pretty short because we've got (Cathy) and Patrick from Google who've just come in to give us a presentation.

Alain Berranger: No, I think you've captured the status right now, and - so yes, we're working very hard. It's not just (unintelligible) that doesn't know where the application is, it's also you.

And so it's a - our ability to track what's pending and what's not. What has been actually evaluated and what has not been evaluated.

So we need to put out that positive state - give a statement because that's what it is. It's - we're working on it and it's not that easy.

Robin Gross: No, I think you're right. We are making progress and there will be issues that will come up and will continue to come up, but I think we can work through them.

Alain Berranger: Yes, absolutely. And I won't comment on the (unintelligible) case because it's a member or a potential member that went directly to the ombudsman people chair for complaints and then this issue's in front of the Ombudsman and causing you and I extra work.

So - but that's only - it's under 5% of our membership applications right now.

Robin Gross: Great. Thank you. Yes, Avri. Microphone right here. Bill, could you hand that over? Thanks.

Avri Doria: I want to ask a question about that. Because I want to ask if we actually think it's appropriate that we seem to keep coming up with these burbles because...

Woman: What?

Avri Doria: ...with these burbles. What's a burble? It's a thing that's going wrong, and it's a burp that comes out as a mumble, that comes out as a burble.

It's - basically we keep having these glitches, how about that? (Unintelligible) we all know really well. But we keep having these glitches and this membership thing that gets blown up because A, we forget that people have to draw in the NCSG before they draw in a constituency, and B, that we keep having people that decide that the way to approach something is to immediately escalate it to the Chair of the corporation.

So I'm wondering if there's some way for the stakeholder group and for the two constituencies to sort of act in concert, to sort of say, hey folks, we got a way to handle problems, we got a way to review things, you know, we got a process, you join the NCSG, you join the other constituencies, and if you got a problem, we've got an appeals mechanism.

It bums me out that no one has tried the appeals mechanism first. We got all these people that have problems and yet, no one has, you know, use the appeals mechanism that we got.

Somebody's got to appeal something. So I just - I keep seeing this and I wonder how do we not have it happen? Time and time again that somebody tries to go around and it gets, you know, it becomes an ombudsman issue, it becomes a Chair of the corporation issue, it becomes a glitch. Thank you.

Robin Gross: Thank you Avri. Yes, Alain.

Alain Berranger: Yes. Well first of all, (unintelligible) it's really we really need to make less noise about it because we only have one (unintelligible) case, okay?

So I don't know how David manages authoritative issues with his constituency but I recommended to (Jim Bikoff) not to complain to the Chair. And his choice is to take my advice or not and he did not.

Of course I end up with a whole bunch of (unintelligible) about it. The problem with the - all the issue (unintelligible) is really not an issue. It's a matter of us working out administrative issues under very limited resources in terms of doing Excel tables, and getting people together and so on.

So we need as a stakeholders group, to reduce the noise on this and just let this one specific issue be handled by the Ombudsman because we can't control it.

Woman: I'd love to hear you say that (Steve) when it brings up the topic. It would be good for (unintelligible).

Man: (Jim)?

Woman: No, to (Steve Crocker) the Chairman of the Board in today's meeting with them.

Man: Yes.

Alain Berranger: He knows, apparently he knows that my recommendation to (Jim) was - and I mean I'm repeating it wherever I need to including to (Jim).

Robin Gross: Thank you. Thank you so much. Okay, we've got a quick ten minute presentation and then we'll get back to the other issue. I then - I just - I - and I have to do it this way because our guests here, our presenters are scheduling, they're going trick or treat today to all the various stakeholder groups and this was - this is our time.

Joy Liddicoat: Can I just (unintelligible) while you're (unintelligible) up, Joy here.

Robin Gross: Yes.

Joy Liddicoat: I just, we have to actually be down at the board meeting down the (unintelligible) 3:30 so...

Robin Gross: Yes.

Joy Liddicoat: ...just, you know, watching our time. Okay.

Woman: So really have to (unintelligible).

((Crosstalk))

Woman: Five minutes.

Kathy Kleiman: For anybody who doesn't know me, I'm Kathy Kleiman, and with all the other groups we visited today, this is of course home for me. (Unintelligible) the founders of the (NCUC).

                   And I am - my current coordinates are as a - as an Internet counsel with Fletcher, Heald & Hildreth , a firm in (Rosslyn), Virginia, just across the water from Washington D.C.

                   And I'm working on a project with Patrick Ryan of Google and he's actually going to introduce it for us.

Patrick Ryan: Hi, thank you so much for making a little bit of time for us here; we really appreciate it. My name is Patrick Ryan, I'm with Google; I'm in the Public Policy Team in Mountain View. I've been with Google for about 1 1/2 years. This is my first ICANN meeting. Before for joining Google I split my time as a telecommunications lawyer and teaching at the University of Colorado in Boulder.

One of the things that I'm working on this year - one of the most important projects - is inspired by the discussions that we've had, you know, a lot here and then it happened yesterday during the session on Internet Governance. And that's the Treaty Conference that's taking place this year to change the International Telecommunication Regulations. It's culminating in December in Dubai, and it could potentially have a number of impacts on the way the Internet is governed. Moving the Internet from a multi-stakeholder model which is a patient of civil society, and, you know, the voices of many in the Internet, to a more centralized structure.

And that may or may not happen in December; there's a lot of opinions and I think there's a lot of good discussion around that. But there's no question that there's a trend to centralized control; to sort of seek out a central Internet authority so to speak and that would choke the voice of civil society. One of the topics I have recently written about is a in, in fact, in a paper I co-authored with (Jacob Glick) on the need -- in those international telecommunication you need process to make sure that civil societies voices are heard, and, you know, are really part of the process.

So, short story long, we are working on a story-telling project, and I'll let Kathy talk a little more about it here in just one second. And that's the need to address the many concerns that we hear from stakeholders; particularly government stakeholders outside of the United States that are very, you know, concerned about the perception of U.S. control of ICANN and of various different aspects of the Internet. And so rather than just sort of telling people that that isn't the case and, you know, writing more academic articles about it, we want to have you and the people who really helped develop this system here talk about it. And tell stories about, you know, the value that it's brought so that we can then show those to others. We're going to put it up on a YouTube channel that we're going to dedicate to multi-stakeholderisms.

So with that introduction you have the opportunity for questions in a minute. I'll let Kathy talk about the specifics.

Kathy Kleiman: Patrick covered this to the ground, but it really is about shedding some light on this ITU versus Multi-stakeholder discussion that's taking place. In the last few weeks I've attended a number of hearings and luncheons and discussions and conferences talking about this in Washington D.C. And I have to say; when they talk about the Multi-stakeholder Model I didn't recognize anything that they were talking about. It was kind of a thousand foot level. And I went to (Vint), (Vint Cert), and I said, "(Vint), you know, everything's great that's being said. It's right, but it's not tangible, it's not personal."

I said, 'The Prague meeting is coming up; is there something we can do at the ICANN meeting where we can help explain in different voices and different languages from different perspectives? What ICANN is and why it's valuable, and why we do what we do; and why we think it helps contribute to our communities, to our countries, and to the Internet generally?"

And (Vint) introduced me to Patrick, and we have a videographer coming. We have a shoot going on for 12 hours tomorrow. In another life I'm a documentary producer, but don't tell anybody. And we have a shoot going on tomorrow, and we would love to invite you to join us. We've got some slots for tomorrow, and then we will be continuing via Webcam. And, as Patrick said, putting it up on a YouTube channel, and sharing with the world what we do at ICANN and why we do it.

And, of course, couldn't imagine not coming to Robin and to you, so thank you for the time during very, very tight schedules today.

Robin Gross: Thank you, Kathy, and thank you, Patrick. It sounds like a very exciting project, and I'm sure many of our members would love to be involved. So thank you for bring it to us.

Patrick Ryan: Thank you so much for taking time; we appreciate it.

Kathy Kleiman: Do you have a second for questions or should we keep going?

Robin Gross: We really don't, I'm sorry. We have to meet with the board in a few minutes, and so we have to...

Kathy Kleiman: Good luck with that.

Robin Gross: Yes, thank you.

Kathy Kleiman: Thank you.

Woman: (Unintelligible) and then he can write rewrites.

Robin Gross: Okay, we've got a couple more minutes here, before we leave and I need to go over a couple more issues that we need to talk to the board about.

   The second topic we proposed to the board was including privacy concerns in law enforcement discussions and including privacy commissioners among law enforcement perspectives in ICANN policy discussions. I could ask Avri if she could give us her views on this or capsulate, sort of, your impression of the stakeholders views on this and what you think we ought to say to the board this afternoon.

Avri Doria: I wasn't listening when you started, and now I forget what I said I would talk about.

Robin Gross: Including privacy concerns in law enforcement perspectives.

Avri Doria: Oh okay, thank you. Yes, I need that too. I just forgot which of my many topics. And as I've spoken at a couple things; basically for most countries

these days, you have a privacy, you have a data protection officer that is defending the privacy of people within the country. Is as important as any of the law enforcement, and basically the humorous way I put it is -- I think it's humorous - is that you should never talk to a law enforcement agent unless he or she is handcuffed to a data protection or privacy officer. Because anytime you talk to just one them you are only getting half of the story. And so I've been pushing, basically, in all of these issues whether it's RAA; whether it's Who Is; whether it's any of those that they really have to hear both sides of the story and they're never hearing both sides of the story.

Now ICANN has finally woken up and sort of said, "Oh privacy officers; we didn't know where to find them."

So, you know, I think that something we can help do is we can help people find the data protection and privacy officers. And I think it was (Curt) on the stage yesterday on RAA that sort of said, "Yes, it would be good we're just confused about and we don't really know."

So I think that's one of the reasons why this group has to, you know, not just the single voices here that have been pushing it, but as a stakeholder group really take up this issue and sort of say, "We understand talking to law enforcement, however."

You know, you need to also get the other side of the national policy. I think it's important that the civil society, you know, privacy people contribute also, but that can always be discounted as that's just the privacy nuts.

But when it's the government's own people; when you have the FBI and you have, you know, the administrations representatives for privacy speaking then you're getting both sides.

So that was the quick part.

Robin Gross: Great, thank you for that. Yes, (Adam)?

                 And I just want to remind you we're meeting with the board in 10 minutes so
                 you've got 30 seconds.

(Adam):   I would connect with what Avri just said to the Who Is review which seemed
                 to me to be very much focused on discussion with law enforcement officers
                 and law enforcement rather than balancing that with an equal level of course
                 discussion with privacy protection officers should be handcuffed to them.

                 Yes, I mean, there's a much, more stronger emphasis on the review
                 discussing with law enforcement than they did with the equivalent privacy
                 protection officer; so that seemed to be missing and might be worth
                 connecting. Thank you.

Robin Gross: Thank you. Okay so the - oh yes, David? You've got 30 seconds.

David Cake: One tip, just on this issue; are we going to discuss with the board -- we
                 should tell the board that we are planning to send letters to privacy
                 authorities.

Robin Gross: Okay.

David Cake: Yes, I mean?

Robin Gross: Yes, good idea.

David Cake: I don't think we should surprise the board with that. We should be pretty
                 clear.

Robin Gross: I think they would welcome hearing from privacy commissioners. I don't think
                 it's some, you know.

David Cake: No, no. I think -- just want to make sure the board is made clear of what we're doing.

Robin Gross: Okay, thank you for that. The other issue that we proposed talking to the board about --get my schedule in here -- is globalizing ICANN and an outreach to developing countries and underserved communities. We talked a lot about that this week. Bill is going to be our discussant with the board on this. So, Bill, do you want to give us 30 seconds on what you want to say to the board on this?

William Drake: (Unintelligible).

Robin Gross: Okay, we've all heard Bill all week apparently.

                  And then there were some issues. So you're just going to wing it is what you're saying? You're just going to say what you've said all morning?

William Drake: (Unintelligible).

Robin Gross: Can you give us 30 seconds what you're going to tell them?

William Drake: We've talked about (unintelligible), multi-TLP, outreach, failure, concerns, what ways to do it.

Robin Gross: Okay, thanks Bill. Thanks for that.

                  The other issues that the board will be asking us in five minutes are the RAA negotiations. I know we've got things we want to say on that, and I know Wendy is been following that issue with great regularity. So Wendy you want to give us 30 seconds for -- here's the microphone right up here.

Wendy Seltzer: Yes, I just want to raise the timing issue. The only time that we were able to get time to meet with the registers is in the first half hour of this slot. So if it's possible to push this question through the second half when I can rejoin you.

As I discussed earlier, the point I will raise is we need to hear from privacy authorities. We need to incorporate the privacy concerns and we will be bringing them to you.

Robin Gross: Great, thank you very much for that.

Okay, there are a couple other issues. Batching, they want to talk to us about Batching. They want to talk to us about the Who Is Report. They want to talk to us about Budget, and Ops Plan Cycle.

Yes, Mary?

Could we get a microphone to Mary?

Thank you.

Mary Wong: I don't have a -- I'm not suggesting I want to be this because I don't, but I've been following the discussions of the other groups on this so I just want to give us a taste on what exactly what they want. I think you know this, right? On batching they want to know that our group thinks that consensus is forming around a single batch going through. And there's a couple other associated things, but that's the primary issues. I guess the question is yes, no, we don't know. Think about it.

Group: Yes.

Mary Wong: And it might be a question on how we do it internally, but the question is whether it all goes in in one batch or is announced in one batch.

Then the other thing is about the Who Is Review Team; I think one of the questions is, "What are the appropriate things that should go through a GNSOPDP? What is implementation and what is not?"

That's a more complicated question. That's essentially the specific questions they want to know.

Robin Gross: Great, thank you very much for that Mary. Yes, when it comes to batching they say, "What are your views on having a single batch, and do you believe there is anything approaching consensus? What is the acceptable timeframe in which to do a single batch? If there is to be batching, do you believe there is consensus that a method other than DA - I guess that's digital archery - should be used?"

Well that's what they want to talk to us about.

Okay, we really do have to close this meeting down now because we need to be there in four minutes.

Thank you all. You'll need to look on the schedule; I think we're over in Congress II, thank you very much. Thank you.

William Drake: Break-neck chairing.

END