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PRAGUE – Public Forum  
Thursday, June 28, 2012 – 14:00 to 18:30  
ICANN - Prague, Czech Republic

STEVE CROCKER:

Welcome, everybody. This is the beginning of a lengthy public forum session. This is the part that I think many of us really look forward to during the week and be able to get some serious interaction going.

As part of the sort of tweaking of the process of scheduling and reporting and interacting, we've added a portion here that we had said we were going to do which is to tell you what we, the board, have heard during the week. It is impossible to do a total job of capturing everything that was said and even of everything we have heard, a lot of which -- and there is records, of course, of all the meetings. So treat this as a bit of an experiment to be evolved and improved.

But we've been very attentive throughout all the different meetings, and we will -- we have gathered that together. We'll feed that back.

Before we get into all of that, we're also using this session for conveying a lot of the thank yous and appreciations, recognition that we had put into the Friday morning board meeting.

Just to take a moment to emphasize the point. There are many, many more people than usually come to a Friday morning board meeting.

So the only advantage of the Friday morning board meeting is that there were formal resolutions that were passed. We actually will do that. So we will read the resolutions. The resolutions will get passed at the next board meeting in July.

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*Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.*

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So before going into any of that, I want to turn things over to Rod for a short tribute to the fellowship program's fifth-year anniversary.

ROD BECKSTROM:

Great, thank you, Steve. Greetings to all. It is such a pleasure to be with you here today celebrating the fifth anniversary of the ICANN fellowship program, which started in San Juan in June of 2007. The fellowship program was created to build a broader base to create a broader base of constituents and to help build capacity among our volunteers by reaching out to less developed regions of the world. Since that first gathering of fellows five years ago, almost 2,000 individuals have applied for the program. Nearly 600 met the program requirements, and 368 have successfully completed the program.

Within these alumni are government representatives in the GAC, registry operators and members of the ccNSO, active participants in the GNSO and At-Large as well as members of SSAC and the Nominating Committee.

One alumnus here today was a member of the original San Juan program, and now is a member of the Fellowship Selection Committee as she continues to remain active in ICANN and the program. Tatiana Chirev from dot MD, Moldova.

Let's give her a hand.

[ Applause ]

Here she is.

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I'm glad to see so many fellowship alumni here with us today. As the alumni demonstrate, fellows have the opportunity to become involved within ICANN as they wish. And we hope that you'll wish to be involved as well.

Simply put, ICANN could not function or exist without our volunteers. I would like to take this opportunity to call on each of the attending fellowship alumni to stand when I call their names to accept a round of applause when all have been acknowledged. So please hold your applause to the end. I will share a bit of information about several candidates to show how they found their niche in the ICANN community and became the new voice of experience in their region.

Sarmad Hussain, professor, University of Engineering and Technology in Pakistan. Sarmad, can you please stand.

[ Applause ]

Please hold your applause until the end.

He started the New Delhi meeting, led the IDN Wiki initiative in his country after meeting Tina Dam there, and now is a member of SSAC and various working groups.

Gabi Slick (phonetic) at the Latin America E-commerce Institute. A dispute resolution lawyer who started her fellowship and ICANN experience in Cartagena, where she helped me with my United Nations speech which followed two weeks later, in fact, and after starting at the At-Large recently became a member of the business constituency.

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Fahd Batayneh, the ccTLD and IDN ccTLD Manager of dot jo, Jordan. Started his ICANN journey in Paris and is now fully engaged in Internet Governance and various ccNSO working groups.

Tracy Hackshaw, my fellow singer in "Hey Jude," music night. In addition, team lead and chief solution architect at National ICT Company, Limited, igov TT. Became the GAC technical rep from Trinidad and Tobago after entering the fellowship in ICANN at the Seoul meeting recognizing that this representation was missing. Tracy now serves on several working groups within the GAC.

Sorina Teleanu. Sorina from Romania. She came to her first ICANN meeting and fellowship in Brussels where she became interested in representing Romania in the GAC. And by her next fellowship in Cartagena was in the process of being seated. Gao Mosweu, Gao Mosweu from Botswana. Started her ICANN story in Los Angeles -- I don't how to pronounce Los Angeles, I'm not sure to use the English or Spanish pronunciation. I'm really confused. A little history, Los Angeles.

And, again, in Nairobi.

Because we are an international forum.

And, again, in Nairobi. Gao is very active in the Botswana Information Technology Society, BITS, in which she is the Secretary-General, active in the ICT industry of Botswana and instrumental in setting up the ICT cluster for the Botswana Innovation Hub, where she is project officer in the marketing and communications office.

Siranush Vardanyan from Armenia, the program development director at Habitat for Humanity Armenia and was previously an ISOC

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ambassador. She started as a fellow in New Delhi, became a manager of At-Large and is currently serving on NomCom.

Victor Ndonngang, Cameroon. Victor. Really, not only one of the best tweeters in the ICANN community, he joined the fellowship community -- family in Dakar. He is an I.T. consultant, self-employed and also Secretary-General, founding member of the Internet Society Cameroon chapter, ISOC Cameroon.

He recently organized an event for world IPv6 launch that was a great success and led to the creation of the multistakeholder IPv6 task force Cameroon in order to supervise the smooth IPv4 to IPv6 migration in his country.

Now let's give a round of applause for all of them. All of you stand up. Let's recognize you.

[ Applause ]

In this roomful of alumni and future alumni, I know there are and will continue to be many more stories to tell. We're so glad to have you here with us today and willing to participate in the community.

The fellowship program will continue to work with the ICANN community to bring more new voices and passion for the growth and success of the Internet into ICANN in the next five years and beyond.

I hope that you enjoy your days in Prague and ICANN 44 and look forward to seeing you the rest of today. Thank you all, especially you, fellows, because you are a very important part of the future of ICANN. Thank you.

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[ Applause ]

STEVE CROCKER: Thank you, Rod. Thank you, fellows. Excellent.

Hi, Sebastien.

[ Laughter ]

Go ahead.

SEBASTIEN BACHOLLET: Just I wanted to concur and thank you, Rod, for this word. And I would like to include the staff who is working hard on setting up this program and helping us to do that.

[ Applause ]

Thank you very much.

STEVE CROCKER: Good fellowship among the fellowship. Thank you very much.

We now move to thank you to several others, starting with an At-Large community volunteer, Dev Anand Teelucksingh. This is in the form of a formal board resolution, in which, as I said, we will pass at the next board meeting.

Whereas, ICANN wishes to acknowledge the considerable energy and skills that members of the stakeholder community bring to the ICANN process. Whereas, in recognition of these contributions, ICANN wishes

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to acknowledge and thank members of the community when their terms of service on supporting organizations and advisory committees end.

Whereas, one member of the At-Large community has left his position since the Costa Rica meeting.

Dev Anand Teelucksingh, LAC RALO secretariat from 3 April, 2009 till 4 May, 2012.

Resolved, Dev Anand Teelucksingh has earned the deep appreciation of the board for his term of service and the board wishes him well in his future endeavors.

We have a certificate. I would like to ask Dev to come -- wait until the break, and we'll use the time of the break to take a picture and present this certificate.

Yes, a round of applause.

[ Applause ]

That was for about three years' worth of service. Here is another guy who has served about three years. Thank you to Rod Beckstrom.

[ Applause ]

Whereas, Rod A. Beckstrom was elected by the ICANN board as ICANN's President and Chief Executive Officer, effective 1 July, 2009.

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Whereas, Rod concludes his term as President and Chief Executive Officer and member of the Board of Directors on 1 July, 2012. When is that? That's Sunday, right?

ROD BECKSTROM: Sunday, exactly.

STEVE CROCKER: Whereas, under Rod's leadership ICANN made significant progress on strategic objectives including DNS stability and security, increased competition, consumer trust and consumer choice, core operations including IANA and a healthy Internet governance ecosystem.

Whereas, his progress included strong growth in DNSSEC adoption and expansion of L-root instances, the launch of the new gTLD program, increased adoption of IDNs, growth in membership in ICANN organizations, and increased international outreach.

Whereas, during Rod's term as Chief Executive Officer, important steps were taken that will enable future innovation and expansion establishing a lasting legacy of contributions to the global unified Internet.

Whereas, Rod during his term as CEO, Rod served as member of the ICANN board as well as a member of the board executive committee and member of the new gTLD program committee.

Resolved, Rod has earned the deep appreciation of the board for his term of service as President, CEO, and member of the board of directors and the board wishes Rod well in all future endeavors.



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Join me in a round of applause. We have a similar certificate for Rod which we've already presented him.

[ Applause ]

ROD BECKSTROM:

I don't have much to say, but thank you all very much. It has truly been a pleasure and an honor to serve and a remarkable experience that I'm grateful to all of you for. And I look forward to being finished with my responsibilities, which I will be this -- coming this Sunday. Thank you very much.

[ Applause ]

STEVE CROCKER:

The next set of thank yous are not in the form of resolutions, but they will be when we put them into the board. Thanks to the sponsors. The board wishes to thank the following sponsors: VeriSign, Incorporated, Afilias Limited, .org, The Public Interest Registry, NeuStar, China Organizational Name Administration Center, EURid, Iron Mountain, China Network Information Center, UniForum SA doing business as dot ZA, Central Registry, InterNetX, community.asia, Freedom Registry Incorporated, KeyDrive S.A., .Club Domains, LLC, Gransy s.r.o., AFNIC, CloudNames, CentralNIC, SX Registry, Uniregistry Corp. and ICANNWiki and our local sponsors, Dial Telecom. Please join me in a round of applause for all of these sponsors.

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[ Applause ]

STEVE CROCKER:

The next is the thanks to the scribes, interpreters, staff, event and hotel teams. You have no idea how much goes on behind the scenes to make this all work. The board expresses its appreciation to the scribes, the interpreters, technical teams and to the entire ICANN staff for their efforts in facilitating the smooth operation of the meeting.

The board would also like to thank the management and staff of the Hilton Prague Hotel for the wonderful facility to hold this event.

Special thanks are given to Daniela Koborova, group services coordinator, and Martin Musil, group services coordinator. Please join me in a round of applause.

[ Applause ]

And thanks to the local host. The board wishes to extend its thanks to the local host organizer, CZ.NIC, for their support. Special thanks are given to Ondrej Filip, CEO, Pavel Tuma, director of marketing and communications, Michaela Vyternova, marketing specialist CZ.NIC, and the entire CZ.NIC staff.

The board also extends thanks to Mr. Martin Kuba, Minister of Industry and Trade for the Czech Republic, for his support and participation during the meeting.

Again, another round of applause. Thank you.

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[ Applause ]

ROD BECKSTROM: I just want to add on what a spectacular gala last night. Thank you, Ondrej, and team so much. Amazing.

[ Applause ]

STEVE CROCKER: I had never seen dancing on stilts like that before. I'm thrilled. As I tried to say humorously, that's yet another way to uplift the organization and provide a way of wading through some deep water sometime. I would like to see more of that here.

All right. That is phase one, in essence.

We now move into the new part of the program where we try to provide some feedback for what we heard during the week and provide some time for interaction.

So, the structure of this is that -- I will tell you what our -- some remarks from my opening words and then what we heard in each of several areas, and then take interactions as we go through that.

So from things that I said at the beginning, I mentioned that the new gTLD program brings pressure on the organization focused -- and, hence, we need to be focused on tight control of expenses, careful evolution of the organizational structure within the staff, work with the GNSO in the cases that there may be adjustments necessary.

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I also said we need to be focused on the substantive cooperation with law enforcement community and other parts of government and cooperation from registrar and registry community and to encourage meaningful and thoughtful dialogue there, not just pro forma.

We need to be mindful about the costs and resources required with the recommendations of reviews. And we'll go through full public comment for each of the review processes: ATRT next time, the WHOIS that has come in, the SSRT, and so forth and take -- and do a proper management process for understanding resources and feasibility as well as the value judgments that have to go in and the value judgments, of course, start with a public comment process.

I have emphasized the impact the gTLD program will have on the organization. There's also, of course, the proper stewardship of the funds received, management of the expenses. But in terms of disposition of funds and reporting, a very visible process will be followed, full accounting and reporting over time.

Those were things we said at the outset. Here's various points that we heard and acknowledged during the course of the week. I'm trying to distinguish between notes to me versus things I'm supposed to say to you here.

So one is, ICANN structure after the new gTLDs. It is a key issue. Various GNSO groups are studying it, regarding both the GNSO and regarding ICANN generally.

What are we going to do? We would like each community group, supporting organization or advisory committee, to prepare a page of

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notes -- "page" means one -- on the impact of their structure and ICANN. So we're looking for -- without the preamble and without lengthy justifications or background, the points to focus on so that we can begin a meaningful discussion of all that. So that means short, pointed, and timely.

We will hold an open session in Toronto. I'm going to come back. I'm going to read through all of these, and then we'll come back for questions.

On communications, we heard that we need to come to the community for input, advice and help; that communication issues have come up multiple times in many different forms. And what we need to do about this is we need to do better, of course, and we will work to distill the many disparate messages we have heard across this whole spectrum into a clearer and sharper picture of different facets so we can take actions.

This session is a piece of that process. This session is an example of how we are working to improve the communications.

On the topic of the Registrar Accreditation Agreement, we heard very nicely congratulations from some on the progress. But, of course, a few significant issues are still outstanding, most particularly WHOIS verification and data retention. There are a few other structural issues regarding the changing marketplace created by the vertical integration and methods for changing the agreement and also a significant amount of discussion from parts of our community about privacy issues.

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Some disparity points of view about to what extent when law enforcement requests are involved, there is also a balancing with privacy matters. And we heard in some cases -- I mean, from some people a concern that privacy people were not in the room and a concern -- a counterstatement from the GAC, "Of course, they're in the room, that's our job to balance these things."

So it is interesting to hear all of that. So the actions that we'll take in that area are the consideration of the GAC offer for advice for privacy considerations from privacy authorities, facilitation of further discussion regarding pending issues of various stakeholder groups, and that the staff will continue negotiations with registrars to attempt to generate a new draft agreement before the Toronto meeting. And I hope well before the Toronto agreement.

Moving on to the issue of ethics and Conflicts of Interest, we heard questions about what sanctions or legal steps could be taken against directors or staff after they leave the organization. And questions about policies in place for the staff. What we're going to do is we're going to wait until the end of the public comment period which is in progress. That comment period ends 28 July, which is exactly one month from now. And we will publish documents incorporating recommendations for public review and approve any changes by Toronto.

In the area of WHOIS review, we heard varying views on the recommendations from implement all the recommendations to implement none of them. It was actually quite striking to hear quite diverse recommendations. We also asked the community, what aspects of the report should be subject to a policy development process and

which should be treated as implementation, and the responses varied from treating it all as implementation, treating most of it as policy development topic so again, a range of inputs. What we're going to do is we're going to encourage public input on the Final Report, as I've emphasized more than once, and on the recommendations and request that all of the SOs and ACs provide input to the Board by 31 August this year, that is two months from now.

The Board has asked the CEO to consider the public comment and community input, to assess the recommendations and other WHOIS-related proposals under discussion, and value the -- evaluate the feasibility of and the potential implementation, paths for each recommendation and provide us with guidance and advice on the report. We've asked the staff -- and I want you to hear the organization of this next phrasing -- we've asked the staff to tell us by 31 July the date by which they will provide the guidance and advice. So this is a two-step process. What we want is the guidance from staff on the feasibility. We don't know exactly how long it will take to do that. And so rather than setting a date certain for that, we've set a date certain for a crisp not only estimate but commitment to provide that advice.

Excuse me. On the planning cycle we heard there's too many priorities and projects. There's a lack of measurable goals. That the cycle is not conducive to providing useful input. So the actions include that the cycle needs to change. There seems to be consensus that the main problem is on the ops plan comment and reply timing and staff is working on suggesting some changes to timing to fix this. And in passing we note that the comment and reply cycle is not working as effectively as it should and we're looking at that as well. That is, I

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mention that as in passing simply because there's sort of two things that are intertwined here. One is the planning cycle and the other is in general the whole comment and reply process, and in the previous session here in ATRT implementation, we heard a lot more about that.

On the subject of Internet governance we heard that ICANN needs to be engaged at WCIT, at the -- in the appropriate way, we need -- a coherent strategy needs to be developed within ICANN regarding internet governance issues and we as an action are continuing to work with staff on strategy and be happy to have more discussion on that.

On the subject of application funds received, we heard it's not ICANN's money. When will applicants get their money back? What will happen with auction funds? What are we going to do about all that? I'm sad to tell you we're not going to give you the money back. We're going to recognize that we're stewards of this money, for sure. We acknowledge the questions. But it's too early in the application process to consider exactly what the actions are going to be. When we have a better understanding of the financial picture, we will carefully consider and consult and report, and I come back to what I said at the beginning, that we will have a full and careful process about dealing with the funds. There's way too many risks and uncertainties for us to make decisions different from what we have made before.

On the questions of batching, I'm going to pass to -- pass this to Cherine Chalaby, chair of our new gTLD program committee.



CHERINE CHALABY:

Thank you, Steve. I will report on two subjects, batching and IOC/Red Cross. First, before I report, I'd like to really thank, on behalf of the Board, thank everyone here in the room for your input and your ideas. Thank the SOs and ACs. I would also like to thank all of you who wrote letters to us with your thoughts. They have been read and considered. And I would like very much to thank the GAC for your engagement on this issue.

Now I would like to report on batching. I will report in two sections. First, what we heard. I'll try and summarize this. And then what are we going to do about it.

What we heard are six points. First, that the solution has to be equitable. Second, that the evaluation results have to be announced at the same time. Third, that successful applications should proceed to delegation phase without undue delays. Fourth, delegation to the root must be at a smooth rate and must not exceed 1,000 per year. Fifth, the GAC is planning to issue early warnings shortly after the Toronto ICANN meeting in October 2012. And six, the GAC advice on contentious applications is not expected to be finalized before the Beijing meeting in April 2013.

Now I'd like to tell you what we're going to do about batching. First, there will be no digital archery.

[ Applause ]

And just to inform you, the new gTLD committee met yesterday and passed a resolution which I'll read to you and is posted on the Web site. Hopefully it's posted by now. And it says, the new gTLD program

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committee directs the president and CEO to terminate the digital archery process.

Second of the things that we're going to do, we will evaluate all applications and move them to the next phase as soon as practical.

Third, we will not make a decision in Prague, but we will take all of your ideas into account and build a roadmap. The roadmap will detail the next steps and timelines, assess implications to applicants, assess risk to the program. We will open an applicant comments process and provide opportunity for community input. We have set a new gTLD program committee call in approximately three weeks' time to assess progress and report back to the community.

So those are my comments and report back to you on batching. I would now like to report back to you on the IOC and Red Cross. First, what we heard in Prague. We heard some assertions that the new gTLD program committee had rejected GNSO recommendations on further protection at the top level for IOC and Red Cross. This is not the case. The new gTLD program committee determined on the 10th of April 2012 not to make changes to the Applicant Guidebook at that time. We also heard here in Prague from the GAC that the Board should consider protections for this organization at the top level and at the second level.

And now we should tell you what we're going to do about it.

The new gTLD program committee met yesterday and passed two resolutions. The first resolution, ICANN denied the IOC reconsideration request 12-1 and the second resolution, ICANN instructed staff to review and report back on all inputs that have been provided on this

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issue, including previous public comment period, community input in Prague, additional input from the IOC and Red Cross, status of GNSO work following Board decision, and GAC input, if any. I believe these resolutions will be posted today, if they haven't been posted already. Thank you. Back to you, Steve.

STEVE CROCKER:

Thank you very much, Cherine. I want to thank both fellow Board members and staff for quite a lot of work that went on while we tried to gather this information, compile it, and be prepared to come back in a pretty quick cycle here. As I said before, it's -- this is our first time trying to do this. I think we did pretty well. It would not surprise me if we missed something or didn't get it exactly right and we want to hear about all that. It's probably more important, however, to hear what you have to say on the substance of these issues, so let me open for discussion. Come to the microphone on any of these topics. We have different Board members and in some cases staff ready to respond on whatever topics -- whatever elements of these topics that you want to bring up. And I'm surprised there's not already a long line.

AMADEU ABRIL I ABRIL:

Are you surprised to see me?

[ Laughter ]

STEVE CROCKER:

I'm only pleased to see you.

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AMADEU ABRIL I ABRIL: Okay. Just one question, Steve. You just said that you only want comments on the substance of these issues and not on --

SEBASTIEN BACHOLLET: Say your name, please -- Sebastien Bachollet speaking -- because if not, nobody will put your name on the screen. Thank you.

AMADEU ABRIL I ABRIL: Amadeu Abril i Abril. First in line for a particular order. Steve, I was asking, you said that you only want comments now on the substance of these issues and not on the procedures because I had comments to start on, I would say accountability and transparency and some accidents we had and how to handle that in the future. Is that inappropriate? It's your choice, I mean.

STEVE CROCKER: All right. We have a more general session with various topics where we've accumulated issues that we -- had come in before, just to look ahead, and we'll do this after the break, which comes up after this session. IPv6 support by registries and registrars, WHOIS team Final Report, renewal of the dot com agreement, balancing of capacity of volunteers and ICANN staff versus the workload and demands, globalization of ICANN, new gTLDs, and any other business. I think the right thing to do here is to stay focused on the report that we've given just now and then we will find time in the -- in the -- after the break in the full session to take this up.

AMADEU ABRIL I ABRIL:

Okay. I take note on that then. I reserve those comments for later. And on a personal note to start with for the scribe just to know that Mr. Amadeu Abril i Abril did not join the round of applause to -- in the thanks to Mr. Rod Beckstrom because I can be hypocritical but only to a certain point.

Now, the question I have for Cherine, you said that you heard from everybody or that the main message you got is that the results for the evaluation should be published at the same time. I guess you mean the initial evaluation, is that correct? And second, probably hard, at least for some people, the reverse in the sense that probably trying to create artificial cues at the very beginning is not very useful in the sense of what we need is (indiscernible) limitation of the end of the stage. This is the one we cannot escape which is the root. So if we hold some people that are early in the process, can move to the next phase, which is still not right, but we wait for everybody to be in step one at the end to go to step two and then everybody to complete the step two to go to step three, we will not solve the problem of natural limitation or natural, you know, bumping of the different groups in different speeds, which is one of the goals we need because we cannot have 1,400 applications waiting to enter the root on the same day. Could you clarify that, please?

STEVE CROCKER:

Thank you.

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CHERINE CHALABY: Evaluation, yes. We meant initial evaluation, but I really do not want to discuss here the design of the solution because we said we will take all input and we will do it after Prague calmly, with a lot of consideration and, we'll take the comments from the public as well and the applicant. So I appreciate not design it here, please.

STEVE CROCKER: Jeff.

JEFF NEUMAN: Hi, good afternoon. My name is Jeff Neuman. I'm here to ask a question in my personal capacity and then one as the drafting team chair of the IOC and Red Cross drafting team. The first part is that, you know, the GNSO community is a very diverse community and one that has not always agreed on everything that's come out of it. I think the one thing that I've certainly heard that we've agreed on is that many of us feel like the original decision on the IOC/Red Cross was a mistake by the Board, that it went around and circumvented the GNSO. And I hope that we do not repeat that mistake again. This is an issue of policy and not implementation, and that anything -- so I know that the resolution you've passed asks for advice -- or staff to collate everything that's been done. But no matter what is involved in that collation and no matter what you all do in the next step, you cannot or should not circumvent the GNSO process again, and that this is a matter of policy. And with that I'm going to ask my question is, what exactly does that resolution mean, as I am the chair of the drafting team and I'd like to have some sort of guidance as to my next steps.

CHERINE CHALABY: Well, on -- I'll take you very briefly back through the recent history of the decision and then I'll tell you what the -- what this decision means. On 26 of March the GNSO made the recommendation for further top-level protection, right?

JEFF NEUMAN: Uh-huh.

CHERINE CHALABY: On 10th of April the new gTLD committee met, acknowledged receipt of this recommendation, but chose at that time not to change the Applicant Guidebook. That resolution was published on the 12th of April and on the 20th of April the rationale for that resolution was published. On the 14th of April the public comment period closed, and after that, a month later on the 10th of May, we received a reconsideration request by -- from the IOC. The BGC met on the 1st of June, and the BGC recommended that the reconsideration request is denied because no material identified that was available at the time was not considered by the committee. So the new gTLD committee yesterday met and accepted the recommendation of the BGC of denying this request. But listening with everybody sitting here, we are going to go back and instruct staff to look at everything since the decision of 10th of April, look at all of the input that came after that from the period where the comments closed, look at input -- input from the IOC and the -- and the Red Cross, consider any input that will come

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from the GAC and we are going to look at it again and see what they're going to recommend to us.

JEFF NEUMAN:

Thanks. I just want to clarify because I realize from your comments back that I was not clear and I -- the motion -- or the resolution that I was talking about wasn't the recent one by the Board about not accepting the GNSO. What I was referring to was a year ago when the Board approved the resolution to provide some protections for the Olympic and Red Cross names. That was the one that the GNSO community believes was a mistake and shouldn't have happened without being first discussed by the GNSO community. So I didn't mean to imply that it was the most recent one. That was the one that we're still waiting for the Board rationale to be posted on why it passed that June resolution in Singapore. All of the rationale is actually privileged, marked privileged and it's redacted from the Board report. So that's what -- that's what I was referring to, that decision, and not -- I apologize, not the decision to not accept the GNSO recommendation.

CHERINE CHALABY:

Okay. Thank you.

JEFF NEUMAN:

Thanks.

JONATHAN ZUCK:

Yes, Jonathan Zuck from the Association for Competitive Technology. There's a rather prominent local author by the name of Franz Kafka who



I think is here in spirit, if not in person, and very excited to have him be a part of this meetings. One of the wisest things he said is, "First draw breath after instances or outbursts of either vanity or complacency." And I think that that's appropriate in the context of the batching and some of the discussions about delegation, et cetera. I want to do what is probably very unexpected from me, which is apologize, because I think this is a situation in which the community failed the staff and failed the Board because this was -- this was really driven home in the commercial stakeholder group meeting and the then commercial stakeholder Board meeting where we came out with the most inane recommendations for batching of delegations since we've now punted on batching for evaluations because the GAC saved us with their 18-month window. And those recommendations were things like do something that's equitable, as you mentioned. Hardly seems worth three hours' of time to come up with a recommendation like that. Another recommendation is, do what's in the global public interest, which also seems hardly worth the time that was spent on it. And I think that we as a community need to take it back upon ourselves to come up with some really concrete suggestions on how delegation might be batched, as we know it needs to be, and to start that process now and not think of ourselves as having a lot of time. So we failed you and I apologize because I think this is an area we could have made our input much more specific and much more valuable and we need to take the responsibility for that.

STEVE CROCKER:

Are you feeling okay?

[ Laughter ]

[ Applause ]

WERNER STAUB:

My name is Werner Staub. I work for CORE association.

I am happy about the avoidance of digital archery, of course, and I'm happy that you're going to do something about getting comments, and I hope that these comments will not be on systems optimized to prevent indexing by Google or optimized to prevent forwarding of URLs or other measures that prevent transparency, and specifically that the applications would be indexed by Google. They're currently not. That the comments that are currently in the system would also be indexed by Google, which currently is impossible because there are protections against it.

Now, with all that, there is one thing missing, I believe, and that's easy to do.

We have the habit of having public comments, usually for big documents, but sometimes a one-line decision such as, "There's not going to be digital archery, we're going to tell you what we do next." Okay. That's nice. But we might want to organize a public comment period just on that so people could submit comments and ideas of what to look at, because I think there are many eyes that could identify opportunities for considerable savings of time and could -- avoidance of considerable problem if you just had more people able to make suggestions and a formal way to submit them.

CHERINE CHALABY: Thank you.

STEVE CROCKER: Thank you.

PAUL FOODY: Hello, gentlemen, ladies. Paul Foody speaking on my own behalf.

The IOC and the Red Cross, aside from my personal bewilderment that IOC is included in the same sort of group as the Red Cross, given that it's predominantly a commercial operation, or it appears to be, if you start giving the protections to those sorts of bodies, or at least to the IOC, where do you stop?

But more than that, the fact that a body with the financial resources and the global governmental influence that the IOC has should think that the new gTLD program is at a stage where they need to get protected not just at the first level but also at the second demonstrates that if the new gTLD program is intended to improve the chances that an individual wanting to go to a site gets there, then that surely demonstrates that you've absolutely got it entirely wrong.

Thank you.

STEVE CROCKER: Thank you. Before taking your questions, we have one that's been waiting for a while online.

FILIZ YILMAZ:

Thank you, Steve. Filiz Yilmaz, ICANN staff, reading a question, slash, comment on behalf of Valer Mischenko, NLnet Foundation.

Is there any initiative of ICANN to look beyond the internal processes and topics related to the community? Namely, to look what is happening on the market of the Internet services?

ICANN is quite busy with internal processes and policies and topics related to the surrounding community, but there are no obvious efforts to look beyond that to the outside world, especially at the market.

The market and the Internet landscape are changing pretty fast. Some changes may even undermine the very existence right of ICANN and the domain name system in general.

Is there any intention to analyze, where needed, and possibly to steer developments?

Thank you.

STEVE CROCKER:

I'm not sure I know what to do with that question or which of these topics that we've outlined here it applies to.

Would you like to ask for some clarification and, while we do that, continue with this? Would that be okay, Filiz? Thank you. Hi.

ELLIOT NOSS:

Hi, Steve. Thanks.

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Elliot Noss, Tucows.

I would like to tie together two of the topics that we're considering here: Digital archery and the IOC/Red Cross topic.

And I'm going to connect them both to culture, which I plan on talking more about later.

I think that for a lot of reasons -- so this is not about the "why," but that ICANN, especially ICANN staff, have been operating from a culture of defensiveness, and I think we see some of the things that it leads to here.

First, with respect to digital archery, that is an incredibly complex design that myself and a number of us in the community strongly feel was driven by fear of not getting it right.

That fear or defensiveness can lead to loads of complexity which bears down on a system and can often lead to failure.

By the way, I think the same applies to TAS.

So we can see that fear and defensiveness and the impact it has.

And with respect to the IOC and Red Cross, again, I believe that defensiveness or that fear has led to this issue which is not a trivial issue by any means, but it is one that has been elevated both by that fear and defensiveness and by the external connections, perhaps, to take up so much of the oxygen in the community significantly disproportionate to the weight of that matter relative to so many of the other things on the agenda.

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The access, the amount of time it takes up at a GAC level, at a board level, at a GNSO level, is really staggering when we step away and look at the issue.

So I want that thought out there around fear and defensiveness and culture as it relates to bigger issues. Thank you.

[ Applause ]

STEVE CROCKER: Thank you. Sir?

BENEDICT ADDIS: Hello. My name is Benedict, and I'm on the law enforcement team that have been negotiating over the RAA amendments and the recommendations to those.

And I'd like to, first of all, draw the board's attention to the immense goodwill and good faith and positive progress that there has been on all sides from both ICANN staff and Margie and Kurt on that side, from Bobby Flaim who has been leading the law enforcement delegation, and Matt Serlin and the rest of the registrar negotiating team.

We feel this has been a hugely productive meeting over something that's been stuck for a long time.

I wanted to highlight one very important point which I know some members of the board will find very close to their hearts, that the law enforcement -- law enforcement's legitimate needs are wholly compatible with the privacy of Internet users worldwide.

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That point hasn't been made clearly enough, and I need to make it here and publicly to the board.

And the last point I wanted to say is the conversations that I've had, I've changed my mind about half a dozen times on implementation issues.

We still, as we've explained, have some way to go on the last two points, on data validation in the WHOIS and data collection across different jurisdictions and hugely varying requirements, but we're getting there.

I've had to -- I've had extraordinary conversations here with a huge variety of stakeholders that have changed my mind a number of times, and as a result have fed into the position of the law enforcement team. That wouldn't be possible without this fantastic multistakeholder model we have here, and that's a testament to ICANN.

So thank you all. Thank you for being part of the process.

STEVE CROCKER: Thank you very much.

[ Applause ]

STEVE CROCKER: Before we continue, I'll come back to Filiz.

FILIZ YILMAZ: Thank you, Steve.

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Filiz Yilmaz, ICANN staff, reading a comment on behalf of Evan Leibovitch, vice chair, ALAC.

I wish to thank the board for finally delivering a clear message on the Red Cross/IOC issue. I believe you have taken the right decision and I think many in the At-Large community would agree.

STEVE CROCKER:

Thank you. And was there more from the prior one? No? Thank you.

Sir?

ESAM ABULKHIRAT:

Thank you. My name is Esam Abulkhirat from Libya. I'm speaking on my own capacity, personal capacity.

My first question goes to Mr. Cherine. The batching process itself is not clear, and ambiguous and vague, but when you say that you will process it in a way of "as soon as practical," I think you added more complexity to the issue because I didn't really understand what is "as soon as practical" means to the board or means to the community. It's not really clear.

And my second question is: The relationship between ICANN and the ITU is -- maybe I'm wrong, correct me if I'm wrong, but I think it's fragile and there's no really communication channels that can really make the contribution of ICANN in the WCIT significant.



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But is there any mechanism or roadmap that the ICANN put in place in order to make it significant and make it really productive, the contribution of ICANN into the process of WCIT?

Thank you.

STEVE CROCKER:

Thank you. We obviously are paying a lot of attention to that. I'm not sure we have answers that satisfy everybody.

Anybody else want to comment on that?

Dot Avri.

AVRI DORIA:

Thank you. Avri Doria, dot GAY LLC and a member of NCSG.

I wanted to -- when you first spoke of the balance between privacy finally being mentioned and discussed in some of the issues, and law enforcement, I was fairly satisfied with the balance, but then all of a sudden it started to feel to me like it became unbalanced. Not by anything that you have said, but...

I think that when we talk about the legitimacy of law enforcement, we're talking about law enforcements in places we're rather comfortable with, and in some, but not all law enforcement behaves legitimately, if you take legitimacy as having been defined by things like the Universal Declaration of Human Rights and such.

So I think we need to be careful when we think about legitimacy, what it means.

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For a country to make a law within its own country they can call that legitimate, even if that law contravenes most, if not all, international standards.

And I'll probably talk more about this when we get to the WHOIS issues later on.

Also, in addition, I was -- as a NCSG member, I sort of marveled at law enforcement being here and saying they've talked to all the stakeholders. As far as I know, in all my years here in NCSG and NCUC, we've never talked to a law enforcement. Law enforcement has never come and gotten our perspective on the need for privacy and the need for protections.

So I'd just like to add that note to the -- to the content here. Thank you.

[ Applause ]

STEVE CROCKER: Thank you. Olivier?

OLIVIER CREPIN-LEBLOND: Yes. Olivier Crepin-LeBlond, ALAC chair.

This afternoon you're going to hear several comments that are going to be made either via Filiz and the Web site or by ALAC members in person.

I just wanted to make it clear that these are not ALAC statements. They're not formally endorsed. They are -- well, they're personal views which reflect the views of many of our members, but we didn't go

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through a ratification process for these. We don't have enough time to consult 144 ALSs out there. If you're willing to fund 144 ALSs for them to come and vote on these, then we're more than happy for that, but at the moment, we can't do this.

So they're just personal statements which reflect a broad view among our members.

Just to make sure.

STEVE CROCKER: So if I translate that, it's you want to be transparent in saying you're not accountable.

[ Laughter ]

OLIVIER CREPIN-LEBLOND: Not at all. We -- we are accountable, but we are accountable within the limits that we're able to be accountable in. If the limits are not provided and are not reasonable, then of course we cannot be accountable. Thank you.

STEVE CROCKER: Thank you.

[ Applause ]

NARESH AJWANI: Hi. My name is Naresh Ajwani and this is more than being transparent and accountable, it is about actionable.

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So I will be speaking from the perspective of that -- what actionable is required because somewhere I feel that last two years I have been hearing that there is an intent to broad-base ICANN, but when I see the new process of adding constituencies, the new thought has not been there that the new additional segments or constituencies or Internet users are the ones where we have to approach them, they can't approach us.

I think the process of seeking new constituencies is something which has to be done from the people who are new to ICANN, and in case we can change that approach and that thought, that instead of they coming to us, if we go to them would be more appropriate. Then we are really doing a true broad-basing of ICANN.

My request to the entire board would be: Kindly look and analyze, if you really want to broad-base, whom you want to add on. Have you considered the intermediaries who are responsible for getting Internet access through shared PC concepts or public Internet kiosks?

In case we really want to bring them into our fold, then we have to approach them, instead of they approaching us.

Thank you.

STEVE CROCKER:

Thank you. The queue seems to be empty.

I'm speechless.

[ Laughter ]

AMADEU ABRIL i ABRIL:

By popular request.

No, just two things I haven't said before because I thought they were evident. Perhaps they are not. The first thing is --

Sorry. I'm Amadeu Abril i Abril, the same name as before.

[ Laughter ]

I change names less often than the board change opinions. Not very often.

Now, first thing -- things.

Not just for suspending digital archery definitively, because that's another point -- we may have different opinions -- but thanks a lot for having shown some flexibility in the agenda, in the path, in the -- in how this was going.

There was a general outcry. Perhaps justified, perhaps not. You may have your opinion. But you have reacted to that, and I think this is very good news.

And that doesn't happen all the time. It happened this time and I think that you need to be -- you and the staff, whoever, individuals I have lots of respect for -- nearly all of you -- should be thanked for that.

Now, I wouldn't be my usual self if I only thanked people and I didn't criticize anything.

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So let me explain some things that worried me.

Let's see how the digital -- let's imagine the digital archery thing was the best thing ever, right? Was like, you know, only second to chocolate in human history.

[ Laughter ]

AMADEU ABRIL i ABRIL:

And let's imagine that, you know, we need to approve that.

Here's the process how it was perceived, at least from my window.

"Oh, we will come with a plan."

"No, GNSO or policy bodies don't need to get involved because this is implementation."

Three, "It's too early for you to comment anything because there is no proposal."

Four, "It's too late for you to make any comment because we have a resolution from the board."

Five, "Oh, thanks for your comment but we cannot take them into the consideration, we cannot even read them, because this was a staff proposal."

I was told that by the board.

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Six, when I point out that this comes from a board resolution, "Oh, yes, but this came from a staff proposal so only staff can hear about that, listen about that, and make a new proposal."

So perhaps in this -- at this point, I missed, you know, some bylaws changes and you also forgot to publish that on the Web site, but it sounds quite strange.

Now, we come here and we see the agenda. Let's imagine that you're a historian 10 years down the road and you look at the Prague meeting, and say "What was important for ICANN at that time?"

Well, new gTLDs had exactly one hour on Monday and 40 minutes at the end of this thing for discussion of something like, you know, digital archery that you would accept there was some discussion in the community about that.

There was no place in the 60 hours of meetings. Only one and 40 minutes split, and at the end with this famous two minutes ticker coming up on us were planned.

This was not exactly transparent and this was trying not to be accountable to us. It was not allowing us to discuss with you or sending to staff who never responded, not having a public comment period, and not allowing us to have any comments here and question that.

Even worse, on the transparency side, it was suspended last Friday. Good news. But for a technical problem that everybody knew from the first day that existed.

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If you have suspended it today, I guess it's not simply because there was a technical problem. I hope that it's also because you heard the community saying, "Not everybody agrees."

And I'm trying to be very polite on the way I'm phrasing that.

This is your duties. It's why we want you to act. To react and to listen to the community, not just to hide behind protection like some technical problem that, I repeat, was there from the very beginning. Everybody knew that. And it was -- our feeling is that that has been used as an excuse that damages ICANN's reputation, because all the people that are not here, all our customers that are not DNS people, their reaction was, "Again? But these people are unable to manage a simple Web site or a simple process and they really want to tell us how to manage a domain name? Are they managing this strange thing you called the root?"

So it doesn't make any good service to ICANN to try to find simple solutions. Telling the truth is more useful.

So thanks a lot for changing that for a long -- lots of dialogue with you on this and any other issue, for being courageous and changing your mind, and for suspending things if you feel that a list is too controversial to go ahead, even if you think it was a good idea.

Thanks a lot.

[ Applause ]



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STEVE CROCKER: Thank you. Michele.

MICHELE NEYLON: Thanks, Steve. Michele Neylon, Blacknight, registrar from Ireland speaking as Blacknight, not speaking on behalf of any other registrars or any stakeholder groups or councils or anything else.

As a registrar at this meeting, it's been quite interesting, I suppose, is one way to word it. I mean, we are coming under an immense degree of pressure from various interested parties with respect to the RAA negotiations.

And it has been good to be able to engage with Benedict and his colleagues within the law enforcement.

But it has become quite clear as well that law enforcement have certain requests and are willing to accept variations on things. But it seems that the message coming from ICANN staff is very prescriptive. They want X, and Y, and zed; whereas, law enforcement has said quite clearly they're happy to work based on options.

It is my understanding -- and I could be wrong on this. Stephane and people are much better at these things than I am -- that the ICANN staff acts on instructions from the board. So it would be very helpful that the board give clear instructions to ICANN staff with respect to the negotiations on the RAA as to what exactly you want them to do with the law enforcement recommendations, which, as has been noted, we have reached agreement on 10 out of the 12.

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On another note with respect to the privacy issue, I wouldn't see that as being as clear-cut as that. Because I'm yet to see anybody from my data protection commission or any other data protection commissioner in the union, or anywhere else for that matter, engaged here in any dialogue with respect to the RAA. And, with no disrespect to Benedict or any other law enforcement agents. They're not a data protection commission nor are they qualified to speak to that. They're law enforcement officers. And I would love to work with them, but I think we need to get those people who are expert in that area to the table and at least get their input. Thank you.

STEVE CROCKER:

Thank you. We're now in -- getting right up against the time that we're going to close. Let me ask you to keep each of your remarks quite short. And this is the end of the line, the three of you.

SURI:

Thank you. My name is Suri. I'm from India. Mr. Ajwani, who had spoken a few minutes earlier, had spoken on the subject of inclusion of new constituencies. There are two comments that I wish to make here for the consumption of the board and the public at large.

One, India is a fairly developing country, but still a long way to go. Similarly, there are plenty of other countries which are still in need of development phase.

Why this is important is there is inadequate representation of additional constituencies which do not understand today what is happening to ICANN? What are the things that are being taken up by ICANN? What

are the technical issues that are being dealt with? There isn't enough knowledge -- there isn't enough population of knowledge. Consequently, there is a need for ICANN to step forward, reach out, engage, and look for what are the constituencies that are getting missed out and how do those constituencies get represented?

This is not just at the level of the public, but also the level of government.

There is significantly greater work to be done. Because I come from a position where I can involve and interact with the government. And I find that the knowledge levels and that the government level itself are inadequate. Unless the board takes steps through its various organizations and the staff to get that engagement done, I believe that ICANN would be missing out. And there would be a lot happening and going towards the ITU. Thank you.

STEVE CROCKER:

Thank you.

SURI:

I just also wanted to understand is there a view that's going to be taken by the board on this?

STEVE CROCKER:

I'm sorry. Is there a what?

SURI:

A view on the issue of constituencies and additional engagement?

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STEVE CROCKER:                    Yeah. Is -- yeah. Gonzalo? Where is Gonzalo?

GONZALO NAVARRO:                Sorry. The answer is yes. We're going to engage in the community, and we are going to work to do it in the most representative way that we can. We need to set our pace with the staff in order to be productive, but to be honest and to the most forthcoming with our community.

SURI:                                 I didn't hear the last part.

GONZALO NAVARRO:                We're going to work with staff in order to be transparent and forthcoming and to be open with our community in order to engage them in this process.

SURI:                                 That wasn't my point about the staff being more transparent. I was saying there is a tremendous opportunity out there, which is getting missed out, on the account of limited engagement of ICANN, both on the technical areas with the government people, as also the public users of the Internet who do not have an understanding of the various policies and decisions that are being taken up by ICANN, the forward-looking moves that we are making out here. And the only way that that is possible is to understand what are the constituencies that are getting missed out. Understand that and then determine is there a need for greater representation? Because I do not expect ICANN board to engage independently with XYZ, right? You need to understand what

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these constituencies are and then make a decision that, yes, here is a constituency that requires to be engaged with -- it could be one. It could be two. That decision is off the board.

STEVE CROCKER:

Thank you, sir. We really are a bit afield from the focus on the report that we've made. And we're going to go back into general session. So let me ask you to suspend at this point. We'll take the next question, and we'll take a break. And then we'll open up for a broad set of questions. Thank you.

SURI:

Thank you.

RICHARD SCHREIER:

Good morning. Richard Schreier from Pool.com. First of all, I want to commend the board for tackling what has been a difficult decision with regards to digital archery. But I'd like to make two observations in the hope of providing you with some direction for your future endeavors. First of all, we know that the number of unique applicants for the program is 1,154. And, of those unique applicants, 964 of them applied for one single name. They all should have the same voice as everybody else. I don't think having a voice by sending an e-mail or making a comment in a forum has the same intensity and alacrity that the voice has of someone in this room walking up to you in a hallway and having a face-to-face discussion. So I'm not sure that that community has been represented in your digital archery decision. And I hope, as you move forward and decide whatever batching or whatever process you're

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going to use to decide who actually gets to market first, which is really what this is all about, if you're only going to do a thousand strings into the root in a particular year, you're going to have to come up with some kind of a process that makes that possible. And I hope that, going through that exercise, you will, in fact, have the ability to encourage and allow those people to have their voice heard equally as well. The second point that I wanted to pass along to you is that I think the community -- and I didn't hear this in your objectives -- is the community wants certainty. We've already seen the rules change half way through the game with the round robin. We saw the rules change now again half way through the game with digital archery. Whatever you do next, don't change the rules. Make a decision, stick to it, and do what you need to do.

STEVE CROCKER: Chris?

CHRIS DISSPAIN: Richard, Richard. Sorry, Alan. Sorry. I apologize.

Can I just make sure you heard us when we said, at least as a starting point, we are going to open a -- an applicants' comment period that will be open to third parties. So I think we are starting along that path of talking to people.

RICHARD SCHREIER: Okay.

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STEVE CROCKER: Thank you.

LALIT MATHUR: I'm Lalit Mathur from India. We heard certain news in the media which our community, the Internet community, may not exactly have the same view. But I would like to understand from the board what they seek or understand or what the viewpoint is regarding ICANN coming under the aegis of the U.N. Thank you.

STEVE CROCKER: Somebody want to --

GONZALO NAVARRO: All I can say about that is no.

LALIT MATHUR: Thank you. The community, Internet community of India supports that. Thank you.

STEVE CROCKER: Thank you. Thank you, everybody.

[Applause]

We're going to take a break now. I'd like Dev Anand Teelucksingh to come up, and we will present a certificate and take pictures. And let's reconvene at 3:45.

(Break)

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STEVE CROCKER: We're going to run this session, and then there will be a short break, and then we are going to have a closing reception.

And I understand that we're going to re-use leftover bows and arrows.

No.

[ Laughter ]

Closing reception, no business at all, in the grand ballroom here at 6:30.

And for anybody who is confused, there actually will not be a session tomorrow morning.

[ Laughter ]

I'm sorry, my humor gets worse during the week.

All right. We opened this session with a presentation on ICANN 44 plus one; that is, ICANN 45 presentation.

Are we set to do that?

NANCY LUPIANO: We absolutely are.

Ladies and gentlemen, an invitation from Canada. ICANN 45.

(Music and video playing)



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Ladies and gentlemen, please welcome a man who knows all about Canada, president and CEO of the Canadian Internet Registration Authority, Byron Holland.

[ Applause ]

BYRON HOLLAND:

Thank you. Thank you very much.

Did you like that? I put that together in my spare time.

First of all, I'd like to say thanks to our Czech hosts and to Ondrej who put on a great event and a great event last night. I have to admit I was of two minds as I stood there on the side of the river and watched the fireworks. I was, like, wow, this is incredible, and oh, my God, what are we going to do to measure up to this?

Anyway, I promise I will keep this brief.

But first, I do want to congratulate Fadi Chehade on your appointment as CEO of ICANN. I'm sure I don't need to tell you you've got a big job ahead of you and good luck.

I'm certainly pleased that your first inaugural ICANN meeting, at least in the driver's seat, is going to be in Canada, and we promise you a warm welcome.

My job is to sell Canada and participation in ICANN 45, and I'm probably slightly biased but I think it's going to be a pretty straightforward task.

So first of all, though, I need to dispel some myths. You are coming to Canada in October. You will not see dogsled teams, you will not see

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Skidoos in the streets. Igloos, maybe in a museum at that time of the year. In fact, if we're fortunate the weather won't be too dissimilar to what we have seen here this week. A couple degrees cooler but not too dissimilar.

You saw on our short video some of the reasons why we are proud to call Canada home, but I would like to tell you myself why I think you'll feel at home when you visit us in October.

Canada has a long and rich history in the telecommunications and Internet space with some of the most innovative companies in the world calling Canada home. And you'll see why they made that decision to call Canada their home when you come and visit us in October. After all, Canadians love technology. Canada is an incredibly wired country as you saw in the video, and in fact, we're some of the heaviest users of the Internet in the world. In fact, we lead the world in time spent online per person.

ICANN 45 is going to be held in Toronto, Canada's largest city. In terms of logistics, Toronto is actually a very easy travel destination. The international airport there services, direct, over 180 international cities.

And once you arrive, the event will be held at the Westin Harbour Castle. You may have caught it there, the sunset looking out over the lake and there was one big building in front of you. That's actually where the event will be.

And it's also right in the heart of downtown, located, as you can see right, on the edge of Lake Ontario, one of the world's largest fresh-

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water lakes, and literally a stone's throw from the CN Tower and numerous other attractions downtown.

Toronto is a very, very international city, widely recognized as one of the most culturally diverse, if not the most culturally diverse city in the world. In fact, half of all Torontonians were born outside of Canada, and this means regardless of what corner of the world you come from, it's safe to say it will feel a little bit like home to you as well.

There are some other rumors that are true, though. Toronto is a very safe, very clean city, with Canada consistently being ranked one of the safest countries in the world.

I hope you've had the opportunity to visit our dot CA booth which is literally right outside those doors on your left. You may have seen the Mountie moose and the beaver. The beaver is actually our national animal. That's why it's out there so feel free to go have your picture taken with it. We have been doing that all week. You may have seen, if you are following our Twitter stream, lots of entertaining photos with our national animal.

And that's just the start of some of the fun stuff that we're going to do for ICANN 45.

So please join me in my home country, Canada, and we will be welcoming you with open arms to ICANN 45 in Toronto.

Thank you very much, and MERCI.

See you in Toronto.

[ Applause ]

STEVE CROCKER:

I'm ready.

Looks good.

We pick up with business again.

Let me turn things over to Cherine for a brief clarification about the marks that we were talking about.

CHERINE CHALABY:

Thank you, Steve.

During the break I was talking to the chair of the GNSO Council, and he asked me just to confirm that the resolution we spoke about in the earlier session on IOC and Red Cross was in relation to the top-level domain only. I repeat this, top-level domain only.

We acknowledge that there is ongoing work in the GNSO community to determine whether there should be additional protection afforded at the second level. So our resolution only relates to the top-level domain.

Thank you.

STEVE CROCKER:

Thank you.

All right. We begin the public forum in the way we've done it before where the only structure is the inputs that we have gathered ahead of time.

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The first topic that we had gathered inputs on were IPv6 support by registries and registrars, and so let me call for inputs from either the floor or the net.

And in terms of being able to respond let me ask Thomas Narten and/or Suzanne on the IPv6 aspects, generally, and anything related to the RAA in this area, I'll ask Kurt to respond to.

I there.

MICHELE NEYLON:

Good afternoon again, Steve. I'm Michele Neylon, still, from Blacknight.

With respect to IPv6, I saw that on the thing here, and I was a little -- I wanted to get a little bit of clarification from you first before either jumping down your throat or saying something nice to you.

Is this in general or specifically within the context of the RAA or what exactly? Could you please clarify that?

STEVE CROCKER:

The form of this is others were asking us, not the other way around. So you have to -- If you were part of the input that caused us to create this as a topic, then let me ask you to frame the question from your point of view.

MICHELE NEYLON:

Okay.

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With respect to the IPv6, there's a document which was added to the pile of documents issued by ICANN in relation to the ongoing RAA negotiations which has a title about extra operational requirements for registrars, or something along those lines -- sorry; I don't have it directly in front of me -- which refers to a number of technical requirements. One is for DNSSEC, one is for IPv6 and authority in relation to IDNs.

And the requirement for IPv6 I think was an encouragement to offer IPv6. And as a registrar, I don't have any issue with that.

I did, however, take umbrage with the obligation to offer DNSSEC support, because I believe that is interfering with our ability to differentiate ourselves within the marketplace.

STEVE CROCKER:

I'm going to take a little risk here and be pretty forceful.

The registrants across the entire spectrum need to be able to put the appropriate records into the registry. Today that includes DS records or the keying information that creates DS records for DNSSEC, and quad A records for the glue for name servers.

Speaking personally, I think that any registrar that is unable to convey that information isn't implementing the full spectrum of the functionality that is currently required.

So I would cast a pretty negative view on any registrar that doesn't want to provide that service. If that's the form of differentiation, I suppose. But I don't see any -- I think it would be irresponsible on our part not to be taking a pretty proactive position and saying this is the standard.

MICHELE NEYLON:

Steve, we've disagreed about DNSSEC on and off for the last two or three years, I believe, and we're going to continue to disagree about it. But I would say that there's a number of issues with forcing an obligation.

If you want to be consistent force obligations for a whole load of other technologies but the question is where do you draw the line? Are you going to push obligations into the RAA with respect to SSL certs? Are you going to push obligations into the RAA for other DNS records that may be fashionable at present? We're not. What if there is another technology that comes down the line in a few years that supersedes DNSSEC? There are a lot of other things to consider.

Now, I understand that you may personally have very strong feelings with respect to DNSSEC, and that is fine. But if a registrant or enough registrants were to come to me as a registrar and ask for DNSSEC, I would happily provide it if there was a business demand for it.

We support IPv6, and we have had registrants ask us for it.

I have received a total of two requests for DNSSEC in the last three years. One was a "do you have any plans for it" and I think the other one was "do you have it now." That's it.

Now --

STEVE CROCKER:

I appreciate that.

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The -- Just with respect to the piece of what you said about competing technologies coming along, the DNSSEC development process has been on the order of 20 years, and since there's nothing on the horizon that looks like it's going to compete with it today, I mean, nothing in development that is there, we're talking about something that if it had the same development time wouldn't take effect until 20 years from now.

So I feel comfortable that that's not the nature of the...

I'll step back and, Suzanne.

SUZANNE WOOLF:

I don't really have a comment but I do have a clarifying question, just to make sure I understand.

The issue for you is not whether you are going to support these new technologies, because clearly you intend to for the benefit of your customers and for your business. But the question is about how fine-grained the RAA should be going forward, and specifically what it requires you to support.

MICHELE NEYLON:

Correct. Just for the transcript, correct, because I am nodding my head but obviously that doesn't work for the scribes.

Ultimately, as a registrar, I will provide services to my clients as my clients ask them for -- ask me for them.



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I mean, we support a variety of technologies. My competitors support a variety of technologies.

I would think it's quite dangerous for ICANN to start specifying these kinds of things within the contract. Maybe encouraging us is one thing, but the registry operators are doing that. And ultimately, if you want to get people to support things like DNSSEC, please talk to browser vendors. We have the same thing, SPF records for e-mail, for example. Lovely technology, but it wasn't adopted for quite some time. Now it is used a little bit more. And you can say the same about many other security technologies. It is just forcing an obligation.

Ultimately you, Suzanne, or you Steve, any other member of the board, you can choose who you want to go to for particular services.

Thank you.

STEVE CROCKER:

I have clarification provided that the topic was submitted by the NRO/ASO chair, I think we are talking about Louie Lee, with the context as -- the basic question is now that IPv6 is considered standard for Internet connectivity, should all registries and registrars support IPv6 in their services? That's a question. Since you're there, what would you say?

MICHELE NEYLON:

I think most of them do already, to be perfectly honest. I think as far as I'm aware at the registry level, they all do. I know that several of the registries -- I can't speak for them obviously since as I'm a registrar.

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Several of the registries have started rolling out IPv6 support both over EPP and other services.

There is an obligation within the new TLD guidebook -- I can't remember the exact wording, I am sure somebody will correct me. That if somebody asks a registry to offer IPv6, that they will. I know that a lot of the registrars offer IPv6 support in terms of creating DNS records. Some don't, maybe not. But a lot do. We do.

STEVE CROCKER:

Thank you.

Sorry, Ram?

RAM MOHAN:

Thank you. Ram Mohan. I run and manage several registries.

One of the things I wanted to point out, Michele, is even DNSSEC. It was initially not a requirement on registries and ICANN did come to the gTLD registries.

And for those that were currently under contract, I don't think ICANN came and said, "You must do it." But if you look at the new gTLD program, it is a must-do. So just wanted to point that out.

Now, to the IPv6 issue, Steve, I have a clarification. There is, perhaps, a difference between what is really meant by supporting IPv6? Is it simply the ability to get the records and store them and be able to resolve them? Or is it also being able to support IPv6 on the wire? Do you have those facilities, and are you keeping those up and going?

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My sense is that you have much more of the former, the ability to store and receive these records, and much less of the latter, which is to respond appropriately when there are requests coming in on the wire with IPv6.

MICHELE NEYLON:

And with your permission, just to come back on this, because it is a very interesting question, the availability of IPv6 connectivity at the end user level, in other words, DSL providers, cable providers, fiber providers, varies considerably from country to country.

I come from Ireland which is supposedly a first-world country, which is supposedly the center of excellence in many respects with regards to digital services, e-business, all of those wonderful things. And pretty much any of the big companies has their home there. Afilias being among them.

Yet, you cannot at this moment in time as a DSL user, any normal resident or even as a business, you cannot go to an ISP in Ireland and get an IPv6 connection. You can't do it. It is simply impossible.

The only people who have IPv6 connectivity at this stage are those of us who have taken something via tunnel through 6s or hurricane electric or one of those or who run their own network end-to-end and have a leg of their network going into their offices.

And I can't speak for other European countries, but I know that there are very similar issues. And there was actually some reports coming out of IPv6 sessions here with the number of sites in the Alexa, top 1,000 that are available over IPv6, which is just one indicator.

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Our site is available over IPv6, but only a tiny percentage of people can access it over IPv6.

STEVE CROCKER:

Right. Thank you.

Bill?

BILL SMITH:

Bill Smith, PayPal. So I'm here to speak in favor of IPv6 generally and not just for registries/registrar to support the ability to store an IPv6 address in them but actually to respond to IPv6 requests that are coming in. And I think it would be a good idea in some manner for ICANN to require that registrars and registries at least move to this technology or demonstrate an ability to move in this technology in a reasonable period of time. It is a significant issue worldwide. The IPv4 address space has been completely allocated at this point. We've run out of addresses. And it's a -- it is a topic of conversation in certain international fora.

On DNSSEC, PayPal has implemented DNSSEC, so the previous person speaking here -- were we to use them as a registrar, we would be asking for that support. We would be demanding it.

We need to be able to -- we need the protection mechanisms that are provided by DNSSEC in order to continue to have actually a more advanced, more secure Internet.

There is no alternative, as Steve has described. It will take decades to get one. This is the best technology.

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I also think that we need to -- ICANN needs to specify perhaps certain technologies that are appropriate at the time. Should they be in a contract? I think not. I think they should be in policies that the contract references and that this is a way to update policies as technology improves, which it does constantly.

To have to go in and modify contract language in order to get expected support, it seems -- seems excessive in my mind.

STEVE CROCKER: Thank you.

Thomas?

THOMAS NARTEN: Thanks, Steve. I just want to say, this is a great discussion that was brought up because I think this is an interesting area where as you go into the details, it is not really black and white.

What I was going to add to this is an example where it is sort of in between. My understanding of the new gTLD applicant guidebook has pretty strong requirements about IPv6. You have to support it at the DNS level for resolving. You have to support it for WHOIS and all support services. But in the area of registry/registrar interaction, it's -- there is no -- there is no requirement "You must do it." But there is a requirement that says if you have a registrar that requests you, then you have to do that within six months. So it is a little bit in between the carrot and the stick. It is not saying you absolutely have to do it, but it

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also -- it prevents the situation where the registrars want you to do it but the registry says, "I don't want to bother."

STEVE CROCKER:

Filiz, do you have people?

Anybody who is -- wants to participate, please do come to the mic and make points yourself.

Raul?

RAUL ECHEBERRIA:

Okay. My name is Raul Echeberria, and I'm the CEO of LACNIC. I'm very much in favor of these requests of compliance with DNSSEC and IPv6. I will say, already some of the things I wanted to say I will not repeat.

One interesting thing is we have to understand that the ICANN community is not just a domain names community. It is a more complex community. And IPv6 and DNSSEC are things that are so important, as important as new gTLDs are for some of the people that belong to this community. So we have to show commitment with the adoption of these new technologies. I think that's accepting this request of compliance with these technologies, with which ICANN is very committed. And deployment is just a small contribution. I don't understand how somebody could be in disagreement with that.

We have seen many -- we can see around the world many examples of ccTLDs that are probably have not larger budgets, and they are developing DNSSEC and IPv6 in their infrastructure.

As we saw this morning, the example of dot cecita (phonetic) is doing a wonderful job. Dot cr from Costa Rica is receiving 5% of the queries -- DNS queries over IPv6.

So if those ccTLDs can deploy those technologies, I think any commercial registry and registrar can do it. I very much agree on that. Thank you.

STEVE CROCKER:

Hi.

MICHELE NEYLON:

Back again. I will keep this brief. Michele Neylon, again. Just in relation to the comments from the gentleman from PayPal and a couple others in relation to IPv6, just so we're clear, I have seen no issue with encouraging registrars to support IPv6 in whatever way you wish to interpret that meaning.

Just I would err towards caution, however, because the networks aren't always there. There aren't IPv6 connections available to a lot of countries. There are still issues with connectivity between different ASs.

We have the scenario going back about a year ago where we had to remove AAAA records from one our mail servers because one of the registries had published AAAA records but the connection was broken. We literally could not send them e-mails over IPv6 and vice versa. There was something in the middle that was broken.

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I would err towards caution and any words people might wish to put into policies. I do like the idea that these things should be in policies and not in contracts. Thanks.

STEVE CROCKER: Thank you.

Raimundo.

RAIMUNDO BECA: Raimundo Beca speaking on a personal basis. Only to recall in the ASO, a review, it came up as a recommendation for the ICANN board to use the right -- that the ICANN board has to ask the advice of the ASO on issues like the compliance with IPv6. And I think maybe Ray should comment if this recommendation is going to be accepted or not.

STEVE CROCKER: Thank you.

With respect to the previous point about IPv6 connection broke, take the AAAA records out of the zone, there is nothing in my understanding of the requirement to support IPv6 that requires putting the AAAA records into the zone or refusing to take them out when that's appropriate. That's a whole other discussion about the right way to deal with various operational issues.

But there is no connection between the ability to put those records in and the requirement that the records actually be in there, if they're not appropriate to be there. Thanks.



I'm sorry?

(Speaker off microphone).

STEVE CROCKER: Yeah, please do.

RAY PLZAK: Ray Plzak. With regard to the ASO review, currently the NRO is finalizing its report and implementation report. And once they do that, it will be submitted. And at that time, there will be a discussion of how the recommendations are going to be processed. And so I cannot say right now categorically that, yes, this recommendation will be accepted and that one won't. We are still in the process of waiting for the final report from the NRO.

And it is forthcoming and, in fact, I will say this about the ASO review. It has moved along very smartly and very efficiently and effectively. And so it will be completed in a lot less time than some of the other reviews were.

STEVE CROCKER: Ram?

RAM MOHAN: Thank you. Very briefly, Steve, one of the things that over the years we have been hearing community members keep telling us, ICANN, is to find a way to engage the other components of the ecosystem that are

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necessary for true enablement and utility of technologies like IPv6 and DNSSEC.

We heard, for example, Michele say, "Talk to the browser vendors." We have had other forums, we have had people say Go talk to the ISPs, hosting companies, et cetera.

ICANN itself in its own remit doesn't have a direct coordination responsibility in that area, and so we've been careful in not exceeding our reach.

But we keep hearing that consistently from folks, you know, "You should reach out to these other parts of the ecosystem." And I don't think we have necessarily a clear answer on what's the ideal way to do it without over -- without exceeding the bounds of what we are chartered to do. I just wanted to make sure that that's clear.

STEVE CROCKER:

Thank you.

Filiz, do you have commented on this topic waiting?

FILIZ YILMAZ:

Thank you, Steve. I don't have a specific comment for this topic. But I would like to make a reminder, if I may. Remote participation channels are prioritized for the remote participants. So if in-room participants can go to the mics themselves and read -- or say their comments themselves, that will help a lot. Thank you.

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STEVE CROCKER: Is that a policy of no proxy comments through you? Thank you.

Let me move onto the next topic. WHOIS review team final report. Same thing, this is for you to raise the issues. And here we go.

CLAUDIO DIGANGI: Claudio DiGangi. I work on staff with the International Trademark Association. We were one of the groups that looked at and commented on the initial report and now the final review team report. And we suggest some improvements in various areas. But broadly, we endorse the report's conclusions and the recommendations.

We think this is one of the key areas within ICANN related to ensuring consumer trust and the overall integrity of the DNS.

I understand this topic was on the board's agenda last Saturday, and I was just wondering if you could provide an update on that discussion or the current thinking of the board on this issue. Thank you.

ELISA COOPER: Hi, I'm sorry.

STEVE CROCKER: Let me just try to give a quick response to that. I don't think I want to say anything very committal at this point about that, Claudio. We are, as I've tried to say multiple times, going to give very strong consideration to each and every one of the recommendations. We're also going to get two very specific pieces of homework done in advance at least.

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One is the consideration of understanding exactly what the consequences would be of accepting the recommendation. The other is the input from the community, which is a process that's underway. So that time will come. But this is not really quite the time to respond. Thank you.

ELISA COOPER:

Sorry. My name is Elisa Cooper. I'm with the business constituency, and the business constituency broadly supported the 16 recommendations made by the WHOIS policy review team. We feel very strongly that ensuring the accuracy and reliability of WHOIS is of utmost concern.

And, in particular, of the 16 recommendations, there are sort of three areas which we feel very strongly about. One of those areas is that WHOIS does become a strategic priority for the organization.

The second is that any of the recommendations that assure the accuracy of WHOIS is something that we feel strongly about.

And the final area which we feel strongly about is that there are requirements to find for proxy and privacy providers.

We also feel strongly that the board ensures that there are the necessary resources and budgets allocated to making sure that these requirements are implemented. Thank you.

STEVE CROCKER:

Thank you very much.

AVRI DORIA:

Avri Doria, dotGAY, LLC. I'm talking about WHOIS as defined in the review as being something that is both dangerous and limits access to the Internet to various threatened populations. There are countries where to admit you're gay and to have a gay Web site or even to use the word "gay" would get you arrested. There are countries where if you had a Web site and someone used the word "gay" on it and you did not report them, you would be arrested.

So, in other words, to have a requirement that sort of says, if you are a member of an endangered population, if you are someone who wishes to use the Internet for free expression, you either have to take the chance on being arrested for doing so or you may not do so.

I think one has to be very careful. Now, many of these considerations were spoken of and were presented through various comments along the way. And the report really does not take into account the danger that WHOIS does perpetrate on people or the fact that it basically excludes people from use of the Internet, something which I think the motto of -- the current motto of ICANN, that basically it is something that reaches all people everywhere would be countered. So thank you.

STEVE CROCKER:

Thank you. The counterpoint is obvious between you and Ms. Cooper. So it puts us in an interesting position of saying, "Okay, now how do we take all that in?"

Thank you.

**WENDY SELTZER:** Thanks. Wendy Seltzer here from the non-commercial stakeholders group, and I wanted to add to the record, beyond the public comments we've already filed and will file further, that the non-commercial stakeholders group strongly believes that WHOIS and the recommendations in the report are matters of policy to be determined at the GNSO council level and not mere matters of implementation. There are many recommendations in here that would fundamentally change policy relating to the collection and display of registrant information and it's important, as we've heard in the debates between privacy and the necessary limits to privacy, these are matters that are best debated among the stakeholders and worked out through the policy process.

**STEVE CROCKER:** Thank you. That speaks directly to the question that we have asked of essentially all constituencies during the week about which of recommendations are policy and which are implementation. Thanks. Thank you. Bill.

**BILL SMITH:** Bill Smith, PayPal and a retired member of the WHOIS review team. Just sort of following up on some of the points that have been made, I can't speak for the review team but I can speak as a member of it and I hope to assure people here that we, in fact, did seriously consider all of the comments that were made and our report is a consensus-based, and I mean unanimous in this sense, report from the group, all of the

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participants. We all agreed to the recommendations that we've made. I think it's healthy that there's discussion going on about how those recommendations should be implemented, if they are implemented. I hope that all of the recommendations are accepted. We spent a considerable amount of time on them and believe in them very strongly.

We also believe as a group that privacy is extremely important but note that there -- the information in WHOIS is valuable to the public generally and encourage that it be made available to the public in some way.

That said, we have a current set of policies that, in fact, make it difficult -- this is me speaking as PayPal now -- make it difficult to handle sort of the dichotomy, the ability to make everything available to the public and at the same time not disclose too much information in cases where real harm can happen. I would note that there is actually a -- I believe, this is PayPal's belief -- that there is a considerable difference from the Internet of 10 or 15 years ago and the requirement to have a domain name in order to have free expression. Today we have things like Facebook, Word Press and any number of outlets for people to make expressions in a very quick, timely manner and to remain anonymous. Obtaining a domain name is a choice, and we need to take that into account and weigh it with all of the other things that we're thinking of in here for security, privacy protection, et cetera. And we attempted to do that in the group, and I encourage the community to follow a similar path. Thanks.

STEVE CROCKER:

Thank you very much. Steve.

STEVE METALITZ:

Thank you. Steve Metalitz speaking on behalf of the intellectual property constituency. I'd like to associate myself with the statements from INTA and from the business constituency. I think we're generally in agreement with those. And strongly supportive of the WHOIS review team recommendations. We think this team has done an excellent job in a very -- on a very difficult topic.

I'd like to actually put this in a slightly broader context and not just rehash the debates that have occurred internally within ICANN but talk about where this fits into the broader picture. And I'll do that on two levels. First in the Affirmation of Commitments, and, of course, this is a review that is mandated by the Affirmation of Commitments, we think the Board set a good precedent in adopting all the recommendations of the ATRT which was the first such review, and I think that at least sets the precedent that these reviews are qualitatively different and have qualitatively different weight than perhaps other recommendations that come to the Board. The AoC does, of course, require the Board to act on these recommendations within six months, which would be toward the end of this year, and we think there really should be -- and the ATRT experience supports this -- a presumption that these would be -- that these would be adopted.

Finally, to move it into even a broader context, in many places and in many ways the issue is being debated now whether -- explicitly or implicitly about whether ICANN is a good steward of the Domain Name System. That's what a lot of the talk we've heard about boils down to. Whether it's better than alternative ways of managing the Domain



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Name System. I would submit to you that ICANN's record as a steward of WHOIS, an extremely important socially value resource associated with the Domain Name System, has not been good. Since ICANN came on the scene, I think you could make the argument that WHOIS is less accessible, it's less useful, and probably less accurate than it was the time ICANN came into existence. And the last I based on the fact that one fifth of the -- roughly of the -- maybe more -- of the gTLD registrants now hide their WHOIS data so no one can see it and ICANN has colluded in that process.

So I think in terms of evaluating ICANN's stewardship, this is an important question, and the WHOIS review team provides a good path forward for trying to improve ICANN's record of stewardship of WHOIS.

I think in response to the questions that some of the points raised earlier, I think Bill Smith is -- has pointed out that use of the Internet to express oneself does not necessarily equate to registering a domain name in the second level in a gTLD, and that's what this -- this debate is about.

And finally, I would just say, I think ICANN is committed to accurate WHOIS. That's a long-standing policy. It's reflected in all the contracts ICANN has signed, so it's hard to see why making that a strategic priority, setting some definable metrics for advancing that goal, and many of the other recommendations of the WHOIS review team, it's hard to see why that would require a Policy Development process. Thank you.

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STEVE CROCKER: Thank you very much. Steve.

STEVE DeIBIANCO: Steve DelBianco with the business constituency. And the first speaker with the BC talked about priorities and the second speaker revealed consciousness of risks to individuals, and that motivated the chairman to contrast the two views and weigh them. But I'd like to remind everyone that in the next several months as you consider what to do with the WHOIS review team recommendations, you don't have to just weigh views. You can actually look at some facts because GNSO, with support of the Board, has commissioned four studies so that we can do fact-based policymaking on WHOIS. And in fact, one of the studies, which results should be in in the next three months, is a study of whether there are abuses to individuals that arise as a result of their information being available in WHOIS. So it's to the very question that was brought up. It's not just about views. Some of it needs to be about facts.

There are three other studies in WHOIS that will come in over the next six months that also speak to the use of privacy and proxy services by individuals, as well as whether the privacy, proxy providers are adequately revealing and relaying. So we spent the money on these studies, we spent countless hours designing the studies. So weight the views but give a lot more weight to the facts, please.

STEVE CROCKER:

I like that idea. There was a comment in a report, a U.S. government report several years ago that WHOIS didn't contribute to spam. In SSAC we took that up and ran a controlled experiment with fairly dramatic results published in a SAC document online available now. Has been available for several years. So I think that's another thing that would contribute as well. Thank you.

MARILYN CADE:

Thank you. My name is Marilyn Cade. I'm the chairman of the business constituency and I am continuing a statement that was made earlier from the business constituency related to WHOIS.

Our previous speaker provided our views on the -- the recommendations in the WHOIS review team. My comments are provided to explain our view about the nature and the role of the review teams. Many people in the community are not aware that the review teams are established as a result of the Affirmation of Commitments. But there are four of them, and that they do come with timelines that are built in. They are not aware that the community selects representatives who are then appointed and then independent experts are appointed through a process that involves the CEO/president of ICANN and the GAC chair.

So the standing of the review teams is somewhat unique. It has assigned ICANN staff and the ability to use outside resources. It also engages in extensive consultation at various stages. It's our view that the recommendations that come from the review team process do have unique status compared to other recommendations. We expect these recommendations to be fully implemented within the time frame. It's

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our understanding that there will now be a feasibility assessment done by the staff, and we would like to ask a question. Will the feasibility study assume that the recommendation should be implemented or will the feasibility study question whether they should? And when the recommendations go to the council from the Board, if any do, will there be an assumption that the PDPs are about implementation and not about reassessing the recommendations?

STEVE CROCKER:

Thank you very much. So just to take pieces of this in no particular order, the feasibility is feasibility. That recommendation pro or con, it's deliberately framed as, assume that it's going to be implemented or if you're asked to implement it and tell us what the consequences are, can it be implemented, do you know how, what would you do if you got this as an order, say. I listened very closely to their choice of words, and the key word that I heard was that these reviews have "unique status." And I would agree with that. But not to get into unintentional irony or humor, it's a question of what "unique" means. Unique does not necessarily, to my vocabulary, mean that it has automatic or -- there's probably better words, that that becomes law just because it comes out of the review team. That would be a transfer of authority and responsibility that I think it was -- is really outside of the structure and what's appropriate. So there is a necessary step with a strong weight given to the unique role of these reviews. And a quite obvious requirement that should we choose not to accept one or more of the recommendations or to modify them, then the burden is on us to explain exactly why and to make that a compelling argument. And I say all of that without having a preconception in my mind about any of

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these because I haven't had time to sit down and read it. But from a process point of view, and these are views formed not in conjunction with the WHOIS review in particular, but watching not only these reviews but a whole series of expert reports over a long period of time, there is a necessary component of having some check and balance and some tensions in this process. Subject perhaps to a longer discussion, but I wanted to be as clear as I can about this.

MARILYN CADE:

Thank you. Then I think it's -- it's Marilyn Cade again. I think it's important for me to reflect back to you our understanding as the B.C. This review team selected a decisional process to work by consensus. It would be our view that in doing that they perhaps negotiated away some recommendations which full agreement could not be gained on. They agreed to work by consensus. And I would just say that there are going to be a series of review teams, as we all know, and they're going to occur on a regular basis. If they do not have -- if we do not have, as a community, the assurance that the assumption is that they will -- the recommendations will be implemented, I think we are soon going to find it very challenging to find community members who are willing to dedicate the significant amount of time to work in a process which is an overlay process on the rest of the work that we do.

STEVE CROCKER:

So you make a very, very important point. It is important that this work be taken seriously and that it -- and that it have a positive effect, not only of improving our systems but for the people who are engaged that their work is worthwhile. And I think we're in strong agreement on

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that. Equally -- and two more points that I think I want to -- I want to raise up from what you've said and emphasize. The -- the work within the review teams to choose what the balance is and to do a lot of that negotiation goes a very long way toward making the recommendation very likely to succeed. And so that process is a healthy process. And from where I'm sitting, the more of that that's done, the better it is from our perspective and the easier it is to accept that. That goes all the way up to but not over the line of therefore it must be so just because that well-intentioned and well-organized group has done that. But it increases the likelihood tremendously and is extremely welcomed and puts us in a comfortable position to be aligned.

MARILYN CADE: Thank you.

STEVE CROCKER: Thanks. Sorry. Yeah, we are running over time, as is natural here. A lot of repeat people here. Be quick if you will, and we'll cut it off at the end there.

WENDY SELTZER: Thanks, Wendy Seltzer. I just wanted to respond very briefly to Bill Smith and Steve Metalitz's comments that domain names were not necessary for speech. I think while Facebook and Twitter and other intermediaries are wonderful platforms for many kinds of expression and community, they don't substitute for having a domain name where one can anchor one's speech. Facebook, for example, has community guidelines and has at times removed pages of protest photographs from

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the Arab Spring because they displayed graphic violence. That's entirely up to Facebook, but it doesn't leave the security and stability that a domain name registrant would have to post that material and to assure that others could refer to it.

STEVE CROCKER: Thank you.

[ Applause ]

TONY HOLMES: Tony Holmes speaking as chair of the ISPCP. We have commented on both the draft report and the final WHOIS teams report, and we are very supportive of that. I won't go over the reasons again. We do think the team did an extremely good job with a very difficult subject. In fact, it's something that's bugged ICANN for many, many years with little progress being made, and I just wanted to emphasize the point again that we do consider these particular AoC-linked reports have a slightly different status. But I agree, Steve, that doesn't mean everything has to be implemented. But I would suggest that having taken this course of action, and actually seen potentially more progress than has been made before here, if ICANN do not implement some of these in a positive way, then I think you're sending a message out and the message is this is just too big a problem for ICANN to deal with. We just can't get anywhere with it. And I think it would be very bad timing for that message to be made.

ROBERTO GAETANO:

Roberto Gaetano, speaking as an individual.

I would not get into the matter of the recommendation of the WHOIS working group, but just a matter of process.

I remember in my experience as the chair of the GNSO Review Working Group, we had a lot of discussion in the reform of the GNSO, in the review of the GNSO about moving to a situation in which the working groups were empowered to make a recommendation of policy and take -- move away from the balance of voting system that was characterizing the GNSO Council.

I think that if now we have a working group that has reached some conclusion by consensus -- and again, I'm not making a statement whether I agree or disagree or whether I like or dislike those recommendations, but it will be an extremely bad signal not to accept those recommendations unless there are some overarching reasons from the Board, because that will move exactly in the opposite direction. It will disincentivate people from participating, doing hard work in working groups because then, in any case, it's going to be the problem will be solved by a political solution within the Board or within the Council.

Thank you.

STEVE CROCKER:

Roberto, absolutely right. We don't want to disincentivate, and it would not be a casual or a light or a small decision not to accept a recommendation. Even a modification or an interpretation would require some care and explanation.



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And the reason why I keep drawing this line as firmly and carefully as I can is -- and now I'm going to -- this is a strong personal statement. I have now been sitting in this forum, in one fashion or another, for a full decade. Ten years of watching reports, expert reports, different subjects, economics and security and so forth. And I know personally a fair fraction of the people who have worked on these, and I have enormous respect.

People with great credentials, great experience. I have also watched the process, and the processes vary from ones that have check and balances internally to ones that have a degree of group think that run off in a direction. And we need, structurally, a way to be able to deal with that, which is what I'm talking to.

But there's no question that if we do not have a very high rate of success of the process and a very high rate of positive feedback in the process, then we have destroyed the process, and so there's no question about that.

But equally, we need a way of returning to the center, in some cases, and that's the only protection that I'm concerned about here.

So I would expect a positive result here. I mean, one that we all feel comfortable about, and not -- and at the same time, it has to include a real duty of care on our part to read, understand, evaluate, and consider the consequences and not wind up in, gee, this looks right, but we haven't done our homework on it.

So let me counsel high expectation that the report will be received favorably, dealt with favorably, and that we'll try very hard.

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We've been dealing with WHOIS forever. And Mike wants to speak.

ROBERTO GAETANO: Just one thing. Make sure that if some parts of the report are rejected, that you have a very, very, very good explanation to the community.

STEVE CROCKER: And probably just a little bit in consultation and discussion as well.

Mike.

MIKE SILBER: Let's wait for the people in the line who have been waiting a lot longer and I'm sitting comfortably.

STEVE CROCKER: Thank you. Jeff.

JEFF NEUMAN: Thanks, Steve. Jeff Neuman. I am speaking in my personal capacity.

I just want to respond to the comments made by Ms. Cade and others that came to the mic and want us all to consider that just because a group has representatives of the community does not mean that the output is representative of the community. I think it's very important.

I deeply respect those that served on the WHOIS Review Team. I personally agree with most of the recommendations if not pretty close

to all of them but I do not want the policy development process circumvented.

There are certain recommendations in there that we believe should be referred back to the GNSO to be considered. And, you know, look, we -- there are a lot of elements in the operation of the WHOIS Review Team, like all of the review teams, that are not the same as a policy development process would work.

Openness and transparency of working groups are not something that's employed by the review teams.

I don't know if there are mailing archives or mailing list archives that are open. Meetings and deliberations weren't done in the open. In fact, I find it one of the ironic things that the first work team that was created, the accountability and review work team, all of the results from that weren't applied to future review teams; right?

So one of the things I would like to make sure is -- and the registries have talked about this, too -- the elements that are appropriate for the policy development -- I'm sorry. That the elements in the WHOIS Review Team report are referred back to the GNSO and follow the appropriate channels. There are WHOIS studies and other facts we can gain from that.

STEVE CROCKER:

Yep.

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JEFF NEUMAN: Like I said, I personally agree with a lot of recommendations but let's follow the appropriate process.

STEVE CROCKER: Thank you.

Bill, you are tagging yourself on to -- All right. Quickly.

AVRI DORIA: Thank you. Avri Doria again, dotGAY LLC.

I want to say that I agree with some of what was said by Steve DelBianco about you've got facts coming in. Do wait for the facts before you do make your determinations. And I also do personally guarantee to provide you of facts of the degree of risk for people, various endangered populations in places.

I also want to say that if we ever do get serious, and I have been involved in the WHOIS skirmishes for as long as many of you, perhaps not quite as long as some of you but for quite a bit of time and I think if we ever got serious about dealing with the idea of both needing a WHOIS and needing to protect endangered populations and endangered groups, we could actually reach decisions that could be favored by a consensus.

Thank you.

STEVE CROCKER: That would be wonderful.

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All right.

BILL SMITH:

Bill Smith, PayPal. Again, former member of the WHOIS Review Team.

I want to speak on behalf of review teams. I can speak for the WHOIS review team. Every one of our meetings teleconferences were recorded. Our meetings were open. We rarely had closed sessions. People could participate, sit in the rooms with us. It was as open and transparent as I think I have ever seen, and I have been involved in a number of open and transparent organizations.

So the suggestion that these are closed and somehow opaque I find offensive.

STEVE CROCKER:

Thank you.

MIKE SILBER:

Thanks, Steve, I'll take that opportunity now.

STEVE CROCKER:

Okay.

MIKE SILBER:

Mike Silber, and in my personal capacity, in no way representing the Board.

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I just wanted to express one thing, and that is there seems to be a temptation to look to, in particular, developing communities as exemplars because there are so few of us at this meeting today, so you can get away with the most astounding factual inaccuracies.

If a person in a developing country, and my friends and colleagues from developing countries will confirm this, wanted to set up a Web site, firstly, they may have a chance of using the local ccTLD if the local ccTLD possibly has an online registry system, which may not be the case. They are going to have to get over the challenge of payment because chances are the ccTLD registry doesn't use some sort of mobile payment which has become the de facto payment standard in many developing countries rather than credit card payments, for example, that most the people in this room would be more familiar with. Or PayPal, for that matter. Unfortunately, many of those countries don't accept your services because they're concerned about exchange control and moving money out of those countries because those countries tend not to attract significant amounts of foreign exchange so the government tries to trap whatever there is inside.

Which means if you are setting up a Web site, you are going to an offshore registry, most likely in a gTLD, not in your ccTLD. You're quite possibly using your credit card or have pulled in forms and have waited days to actually get approval from the government for the transaction allowing you to actually register that domain. You are hosting offshore because the likelihood of stable power and good facilities in your country is pretty limited. And this is where I work on a daily basis because we see the opportunity of telecoms, data centers and connectivity in those areas.

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All I'm saying is the likelihood, and Wendy recognized this, is that people are not making use of their own hosted services.

So let's not, then, ascribe needs, wants and desires to developing countries when in fact those are first world's needs, wants and desires, and the people in those territories would far rather that we spent and effort, instead of pretending to speak for them on these issues, either talking to them about these issues or actually implementing what they tell us they want. Issues like exchange points. Issues like training and capacity building, which is what they really care about.

[ Applause ]

STEVE CROCKER:

Thank you, Mike.

All right.

This closes the section on WHOIS, and we move on to renewal of the dot com agreement.

There's not much to say there. Oh...

[ Laughter ]

Yes?

Am I going to set it up? Yes. I mean there is a few things to say here, quite obviously.

The -- Just to repeat, the structure of this session is formed by inputs that have come in, and so the putting dot -- the discussion of the dot

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com agreement on the agenda for this is driven by people who are interested. And I see a gathering right away.

To repeat the basic facts, the dot com agreement was subjected to public comment, and the public comment process ran its full course and closed, and the Board took the action that it's going to take. And just anticipating, in case there's any relationship between the decision about Friday board meeting, over a long period of time, it was quite evident that there was really no effective coupling between what happens on a day like today and actions, except in extraordinarily rare cases, on what happened at the subsequent meeting the next day because those resolutions had been in process and that whole process leading up to a board meeting takes quite a long time.

And so it was kind of recognition of that fact that there really is no distinction between that action on Friday versus an action earlier in the week in these cases.

So with that, let me open up the comments.

That covers the parts that -- Stephane.

RAM MOHAN:

Steve, I'm sorry. Just really briefly. Ram Mohan. I work for Afilias registry, and I recuse myself from this conversation and have not been in the room in the past, either, for such conversations on this topic.

STEVE CROCKER:

Thank you.



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Yeah, we have been careful, in general, about -- extremely careful, I should say, to have people who are conflicted in whatever matter it is, have been extraordinarily honorable and quick to recuse themselves. So I appreciate your statement, Ram. And we follow that in many cases, and you all know the full story.

Stephane.

STEPHANE VAN GELDER: Thanks, Steve. My name is Stephane Van Gelder. I'm the chair of the GNSO.

I just wanted to let you know a something extraordinary happened today. We were, during the GNSO Council's wrap-up session, discussing and trying to draft a possible statement that I would make officially here on behalf of the Council, and then suddenly the Council just turned around to me and said, look, you are the elected chair, we trust you, say what you want.

So they are about to regret that decision, and so I'm probably about to regret the fact that I feel constrained about not being able to say what I want for so long. But anyway.

I am going to try to convey the general feeling in the Council on this specific item, but, actually, that feeling goes wider. And as you all remember, we all met on Sunday, and the Council did express a feeling that in some cases it had been bypassed by the Board on issues that seemed important to the community and that were certainly important to the GNSO community. So the Council wanted to share a bit of feeling of disappointment that in this instance, there was a resolution on your

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agenda for Saturday that was referring to a contract that was passed on the Saturday. And the topic of that resolution is slated for discussion with the community today.

So the Council felt it was important to point out that when community input is being sought on matters like this one, it may be helpful to seek that input and that feedback, besides the public comment period that you referred to, Steve, before taking the decision. Obviously, this refers to what you were discussing with possible timing.

Obviously we're not talking here about the merits of the Board's action. There's no discussion there. Others may want to discuss that. That's not what I'm here to say at all. It's just to convey a feeling that parts of the community that I represent may feel that their contributions have become moot if they are not able to speak first before you come to a decision when you have slated something on the topic during the public forum.

And if I may take the opportunity, I would just like to thank, also, on a totally different topic, on behalf of the GNSO Council, as we won't have the opportunity to do it tomorrow, I just want to thank the meeting organizers, the staff, and the people that have welcomed us here and made our week and our work possible and relatively easy.

Thank you very much.

STEVE CROCKER:

Thank you.

I think a couple of us want to respond.

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I want to parse what you said and play it back.

The public comment period is the formal process for reaching out. I maybe am putting words in your mouth, but would you be suggesting that that's not a sufficient way to get GNSO Council's and GNSO's input, perhaps?

So that's one possibility.

The other thing that I want to say is that, as I said, putting it on the schedule for discussion today was not us reaching out. It was us responding to you and others saying you wanted to talk about it, so the initiative was sort of reversed. Otherwise, I understand and take your points.

STEPHANE VAN GELDER: So just to -- That clarification probably addresses the points I was making. I think when people saw this on the agenda, they felt they'd have a chance to talk about it, and then they saw the decision had been made and whatever they said here would be moot because the decision had been made. That's the point I was trying to make.

STEVE CROCKER: Interesting optic. Good point.

Steve.

STEVE METALITZ: Thank you. Steve Metalitz speaking on behalf of the Intellectual Property Constituency.

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We were very glad to see this issue on the agenda of the public forum. We were one of the groups that asked to have it on the public forum because we were looking forward to an opportunity to give you our input before you made a decision on this question.

We were looking forward to an opportunity to stress some of the points that we had made in our public comments. In particular with regard to whether the registry operators should be required to migrate to a thick WHOIS structure as soon as feasible.

We expressed views there. Those views were also supported, I will say, by the business constituency, by the At-Large Advisory Committee but they will speak for themselves.

I want to just -- We were looking forward to saying some of the reasons why we took that position, because we felt that ICANN -- because we knew that ICANN had committed in the current contract with dot com to make dot com renewal terms conform to the extent possible with those of agreements with the next five largest gTLD registries. Four of those five registries, all but dot net, have thick WHOIS.

We were looking forward to telling you that we thought thick WHOIS should be required because ICANN is committed to promoting real competition among registries. All the new gTLD registries are required to employ thick WHOIS.

Dot com, if it's going to be on a level playing field with those registries, should also be required to do so.

We were looking forward to telling you that since ICANN has an obligation articulated in the Affirmation of Commitments, but expressed

elsewhere as well, to act in the public interest, we were going to remind you that ICANN's studies show that the thick WHOIS model improves the accessibility of WHOIS data, that it is associated with improved accuracy of WHOIS data, though it's certainly not a panacea there, and that it would facilitate the move toward internationalization of WHOIS data, it would lessen ICANN's contract compliance burden. These were all public interest factors that we were going to bring up to you.

But here in Prague, the name of Franz Kafka has been brought up here and I suppose that's relevant here, but I was really thinking of another author, Lewis Carroll, who told us, immortally, "Verdict first; trial later", and that's what we seem to be encountering here. He also said, and I paraphrase, but the Board seems to be saying that accountability and transparency means exactly what I mean it to say, and nothing else.

So since I can't make any of these points any more, let me just, instead, ask a question. Your resolution said that you took our views on this question and the views of the B.C. and the ALAC and others into account. Why did you reject them?

STEVE CROCKER:

So I think that's a fair question. And, understanding the form in which you've made your statement, I think we received the comments that you would have made. Thank you.

Marilyn.

MARILYN CADE:

Thank you. My name is Marilyn Cade. I am speaking on behalf of overstock.com, whom I advise on some ICANN matters, in particular, their interest in registering O.com.

It's been a long time since I've been at the microphone to talk about that topic. But it occurs to me that we seem to have drifted away from declaring interest. And I thought it would be useful for me to make it very clear that I act as an advisor to overstock.com in that one particular area. I'd also like to note that they're not an applicant for a new gTLD, so there is not a conflict in any other way. I'm asked to read the following statement that is written by Chuck Warren for overstock.com. "Overstock urges VeriSign and ICANN, now that the contract is approved, to move ahead with an RSEP process, similar to the approach taken in dot Info and dot biz to release and allocate single letters in.com via a process -- similar to the process used by info and dot biz and agreed to by ICANN.

Many years have passed since the reserved names working group process recommended the allocation and release of single letters. Taking the step for VeriSign and ICANN to move ahead to release these names and allocate them will put VeriSign at parity with other gTLDs and many ccTLDs.

But, more importantly, it will do something else. It will allow those parties who have an identity that is linked with a single letter and who wish to use that name in dot com to register and use the single letter."

Thank you.

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STEVE CROCKER: Thank you. Olivier.

OLIVIER CREPIN-LEBLOND: My name is Olivier Crepin-Leblond. I'm the chair of the At-Large advisory committee. My first comment, a personal comment, I need to buy a lighter computer since we can't submit them through a public web page. And this is too heavy anyway. This is a statement from the At-Large advisory committee. It has been ratified. This has been discussed all week. And I shall read it to the record.

The At-Large advisory committee wishes to express its disappointment with the board's decision to meet in a closed session on Saturday 23rd of June to adopt the draft dot com renewal agreement. ICANN staff had placed this topic on the Thursday 20th of June public forum agenda some time ago. And the dot com renewal item remains on the public forum topic list. Although we were aware that the dot com agreement was on the board's agenda, we were not aware of the intent to approve the agreement at its closed session. This comment is not in regard to the merit of the board's action nor on the content of the dot com agreement. The process followed by the board is objectionable at a time when ICANN is subject to increased scrutiny.

To give the impression that the board is interested in additional community comments but then make a decision five days earlier is not appropriate. It is imperative that the board hold itself to the highest standards of transparency and accountability that it is mandated to uphold. Thank you.

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STEVE CROCKER: Thank you. Chris?

(Applause)

CHRIS DISSPAIN: Olivier? Can I just get -- I just want to get really clear so that I understand. I don't know -- I can't remember -- and I'm sure Filiz can tell me -- where the request to put the dot com contract on this agenda came from. But it didn't come from us. This agenda is made up by the community. So, bearing in mind that what had happened on Saturday, if we had taken it off the list, that would not have been a good thing to do. Right? Is that right?

OLIVIER CREPIN-LEBLOND: Well, we were not aware that it was on the Saturday.

CHRIS DISSPAIN: I understand that.

OLIVIER CREPIN-LEBLOND: We might have made the request, but we were not aware that it was on the agenda.

CHRIS DISSPAIN: I completely understand that. The point I'm trying to make -- the point is not that it's on this agenda. The point is that it's on this -- it's a dual point. It's you made the resolution and it's on the agenda. I just want to be clear. Thank you. That's it. That's fine.



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OLIVIER CREPIN-LEBLOND: Thank you.

STEVE CROCKER: Thank you.

Sorry, go ahead, Sebastien. You guys can see us better than I can see us.

SEBASTIEN BACHOLLET: Thank you, Mr. -- thank you, Olivier. I'm going to use the tools we have, and I'm going to speak in French. It works.

Thank you for the comments made by Olivier. And I wanted to see -- to analyze what has been said, what has been said. And there is a problem on the way the comment period are organized with the public meeting, the three public meetings during the year. If you have some suggestions on the way we can associate better the comments part with -- in the public meeting with the online comments, that will be welcomed, and we're going to take them into account. Thank you.

STEVE CROCKER: Thank you, Sebastien.

MIKE SAX: Hi, my name is Mike Sax. And I run a software company. And my company is one of thousands of businesses that uses the infrastructure we're talking about here.

I was listening to the gentleman talking about thin versus thick WHOIS.

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And my personal experience with the WHOIS database is that the quality seems to have gone down over time. And I was trying to contact a domain owner, and the phone number didn't seem valid. The name was, obviously, fake. And I wasn't really sure if the e-mail address was actually valid or if that was a black hole.

So what -- if the WHOIS database is junk, whether it's thick or thin doesn't really matter. And I think the more productive discussion would be to see how we can force registrars to maintain the quality of this database. And that would make me and many of my thousands of business colleagues very happy. Thank you.

STEVE CROCKER:

Thank you.

STEVE DeIBIANCO:

Steve DeBianco for the business constituency. The business constituency was disappointed that the contract negotiation process didn't result in a thick WHOIS. We're also a bit disappointed at the quality of the rationale and explanation for not addressing that. And I realize that we might still get a greater rationale later on.

Nonetheless, the BC is committed to participate in the policy development process such that thick WHOIS becomes a consensus policy within the picket fence.

And we take some solace in knowing that doing it that way, while it may take a little longer, will have a far broader reach. Because, once we get it in as a consensus policy, it will apply not only to the dot com but also

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to the only other thin registry dot net, which captures another chunk of users.

So it will take a little longer, probably another year. But I am determined that we cover thick WHOIS for everyone and in this process should get it done sooner.

STEVE CROCKER: Thank you.

PHIL CORWIN: Good afternoon. Philip Corwin speaking as counsel of the Internet Commerce Association, representing investors and developers at both the top and second level. I just wanted to thank the board for rejecting the suggestions of some parties who commented on the dot com renewal that a mandate to implement Uniform Rapid Suspension at some point during the contract term be included in the contract. Some of those parties that suggested that were the very same parties that urged referral of UDRP reform so that the experience with URS could be considered and the question addressed of whether it should be imposed on incumbent registries at some time in the future.

Turning to the pricing provisions, I would note that ICA was born out of the debate over those provisions six years ago. There's no need to revisit that debate. But we do hope the new gTLD process will introduce vigorous price competition into the gTLD marketplace, which will benefit all domain registrants. Thank you very much.

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STEVE CROCKER: Thank you. Jonathan.

JONATHAN ZUCK: Yes. Jonathan Zuck from for the Association for Competitive Technology. Obviously, this feels -- this dot com contract renewal and the order of things feels a little bit like a procedural misstep as much, or if not more, than it is a substantive one. This was, obviously, a controversial topic when there was a discussion about whether to have a PDP about thick WHOIS. There was a big compromise that it shouldn't bias the contract negotiation process. So it was clearly something that was on a lot of people's minds. And I think it's right for people to understand the process that took place.

But, given that it was sort of the default because of the existing new contracts, I wonder if there's some role the board can play in time boxing or setting a precedent to put this on a PDP fast track, so that those that are concerned that this is a 3-year process that we're suddenly confronted with can be assured that there's political will within the organization to time box this, make this a short process, and get this resolved in a timely manner rather than throwing it into the bin of the normal PDP process. If you do have a role to play in that of applying pressure to make this a fast track process, I'd like to see you exercise it.

STEVE CROCKER: Yes. Bruce.

BRUCE TONKIN:

Jonathan, you raise a good point. It's something I've been talking a bit this week with the board as well. There's so many moving parts with WHOIS at the moment. And what we really need to do is have a clear plan that pulls them all together.

We've got an RAA discussion on WHOIS. We have the comments on the dot com agreement regarding thick WHOIS. We just received the review report from the review process on WHOIS. We also have a whole series of data gathering exercises going on in the GNSO. I could go on. There's technical work in SSAC, but I think just about every group is working on WHOIS in some way but not on a coordinated structured roadmap, to use the terminology that Cherine used earlier. What I think we need to do is take that on board. Let's not try to do all this piecemeal. Let's get a bit of a roadmap together. Because it may be that, if there's some aspect of the WHOIS review report that is referred to the GNSO for policy review, that you would pick thick WHOIS and put that in the same process.

So just sensing that we're -- we've got a lot of moving parts, and it doesn't seem to be very structured at the moment.

JONATHAN ZUCK:

And, Bruce, I thank you for your comment. And, normally, I'm in violent agreement with you. My only concern about let's take all these moving parts and come up with a strategic, holistic way of looking at this is that that also sounds long. And I think the issue, particularly, of thick WHOIS is one that was enough of a -- it's finite enough issue that it might be worth handling in a more accelerated way. But normally I agree with the notion of WHOIS generally getting dealt with in a holistic way so it

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doesn't keep coming up in a way that we think there's consensus and there isn't. But the issue of thick WHOIS seems like it exists in the new contracts seems like something that ought to be addressed fairly efficiently.

BRUCE TONKIN: But a roadmap can have milestones. And that can be a first milestone. My comment did not mean that thick WHOIS takes years. I'm kind of agreeing with you that it could be much shorter than that. I'm just saying let's put it in the context of a roadmap.

JONATHAN ZUCK: Okay.

STEVE CROCKER: Thank you. Filiz. Good. We move onto the next topic, balancing the capacity of volunteers and ICANN staff versus workload and demands.

Somebody want to come and say what the issue is from -- yeah. All right. Go ahead.

CHRIS DISSPAIN: So, Filiz, if I remember correctly, this balancing volunteers came from the ccTLDs -- ah-hah. Lesley, thank you.

LESLEY COWLEY: Thanks, Chris. Yes, indeed, this came from the ccNSO. I'm Lesley Cowley, ccNSO chair. As board members know, we have quite a high

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level of interest in the ICANN strategy and the operating plan. And this week we've been talking about the 25 projects, 13 strategic priorities, and one large TLD program in the plan. So 2013 looks like it might be a bit of another challenging year for both ICANN staff and the community.

And this does raise capacity concerns that, hopefully, some people share. Concerns about the capacity for ICANN staff and also the capacity of the volunteer community.

And for those that may feel a certain sense of deja vu, we've talked about this before. We talked about this way back in 2010 at the strategic planning session in Brussels. And Bruce may well remember being on the spot for that one where we talked about adding a stage to this strategic plan where we would pause for a moment and say have we got the capacity, have we got the resource to do all the things in the strategic plan?

Like a well-worn penny, we came back again the following year to ask exactly the same question.

We don't believe in coming with problems without some suggestions of what we can do. So, from a ccNSO perspective, we've been working on a work plan that identifies projects, that identifies project duration so that we can try to get these things to match and not overuse volunteers. We assume that staff capacity for ICANN staff will be dealt with by the CEO and that would be great because we want to retain the good ICANN staff that we have and ensure that they're not stretched to the limit. But we'd also like to encourage the board and the CEO, whichever version of CEO we have for this discussion, to consider the capacity of the community to look at all of those projects and priorities and to see

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how best we can balance what we'd like to do with the capacity of the community.

STEVE CROCKER: Thank you. Anybody want to respond?

CHRIS DISSPAIN: Yes, I'd like to say I'd personally like to agree. This came up in the planning of the ccNSO session with all of you.

Yes, I think it is a huge ask. And I think that the -- I'll leave the staff stuff aside, because that's not my bag. But the volunteer stuff is incredibly important because a huge amount of work gets done by volunteers. And one way to do it is to get more volunteers, but another way to do it is to actually prioritize. But I'll let Stephane say something now.

LESLEY COWLEY: I think we need to do both, Chris.

STEVE CROCKER: Thank you.

STEPHANE VAN GELDER: Thank you. Stephane van Gelder speaking in my personal capacity. I as an employee of NetNames. I want to thank you for putting this on the agenda. It's an issue that's been close to my heart ever since I've been involved in any serious manner in ICANN. Because it's one that I feel I'm



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talking about the capacity of volunteers. More specifically, like you, Chris, I don't feel qualified to talk about staff as much.

But the capacity of volunteers to balance workloads and demands is something that is of crucial importance when you are involved in anything like policy development, workgroups, drafting teams, and the discussions we have in the community that I serve in are constantly driven by the inability for most volunteers to face the workload.

And I wanted to address one specific point, which was that it's a point that I made in a blog post just before this meeting. I wanted to take the opportunity here to make again, which is that when we come to this kind of meeting -- 15 days before we have a deadline for the publication of documents. And that deadline actually seems to have been mistaken for let's publish everything on that day.

So what we get, actually, is not a kind of gradual buildup towards publishing documents and stopping publishing documents 15 days before a meeting, which makes perfect sense. It gives people time to digest, travel, read the documents.

What actually happens is an -- I counted the pages. It was more than 700 for this one. So we get a great big wad of documents to read. I know it's worse for the board than it is for the rest of us. So I'm sure you'll want to sympathize with that. It's one angle of a many-sided problem. But I just wanted and try to bring that to everybody's attention and make sure that people realize that, currently, if we get 700 pages to read just before coming here, certainly, as far as the GNSO is concerned, we may not have read everything when we come to make decisions or discuss key policy items. And that is us running the risk of

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not doing things properly. And I'm sure you realize that we're all very involved in what we do. We don't want to run that risk. So it puts us in a difficult position. So I know you have that problem as well. Perhaps we can try and not publish everything at once but spread the load. I don't know. But it's certainly a problem that we're facing often. Thank you very much.

STEVE CROCKER: So you're proposing that we learn from our colleagues in SSAC and RSSAC and use rate limitation on the amount of material that is put into our -- on our plates?

STEPHANE VAN GELDER: So one of the proposals that I could make is not to limit the number -- the overall number of pages, because that would just mean everyone would race to get their document in, go up to the quota, and then you'd just have two documents that would all be 700 pages long.

But one of the things that we could look at doing is limiting the number of pages per document, for example. I mean, just shooting from the hip here.

STEVE CROCKER: Uh-huh.

STEPHANE VAN GELDER: If -- you know, if -- a lot of these documents are very long, and when you read through them, you don't really understand why.

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If we get to the point, then perhaps we can have a better result.

STEVE CROCKER: Yeah. Bruce?

BRUCE TONKIN: Yeah. I think one of the issues is understanding the timing of the meetings. So we have a meeting in March and then we have a meeting in June and the next meeting isn't till sort of October.

So between the meeting that we had in Costa Rica and this meeting is particularly tight. And typically the staff working in trimesters are not -- basically they're trying to get stuff done in response to community requests in Costa Rica and have them available for Prague.

But I think the key thing, though, in my view is actually really good summaries. Because, you know, most of us that have to report to a board or senior management, their attention span is typically one page, and we tend to publish documents that are very long, and you actually have to read the first 10 pages to sort of find out what the document is about.

So I think it's about trying to summarize those documents more effectively.

STEVE CROCKER: Let me call on Bertrand and then Ray. Then Thomas.

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BERTRAND DE LA CHAPELLE: Thank you. This is Bertrand de la Chapelle.

This is a whole discussion about the efficiency and working methods. It's absolutely true, because there are a few issues.

One is the challenge of combining sufficient documentation of the background of an issue and why an issue is on the agenda, and if this is not done, there is a natural and legitimate criticism that there is not enough background or explanation, and it includes the rationale as well.

This is why there has been a tendency to increase, little by little, the size of the documents, and on the other hand, the necessity of making the documents sufficiently accessible and the size of those documents not overwhelming.

This balance is difficult to achieve if there is not a clear workflow on issues.

What I mean by "workflow" is that when an issue emerges, it is not necessary to develop it in detail to get the process started and then have the capacity to evolve progressively so that at each stage the discussion is focused on what can be achieved and concluded at that stage so that this is not reopened afterwards.

Without belaboring, this includes the whole process, the fact that we have the same tool to address most of the issues, the public comment process, but do not distinguish the nature of the questions or the stages of the discussion.

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So the question you raise is a problem for everybody. As you said, it's a problem for the staff because it's a tremendous amount of work. It's a problem for everybody in the community and the board as well.

But I would like to add one final point, which is also in the nature of the discussion in working groups.

There is also -- because we're working as consensus, there is also a tendency or a risk to achieve consensus by exhaustion, and consensus by exhaustion is extremely dangerous because it taxes the capacity of the volunteers who actually are not dedicated a hundred percent to this activity because it's not their core activity and it brings a natural tendency to have a certain group of actors -- it varies from issue to issue -- to prevail because they are capable of resting longer in the discussion.

So it is extremely important that the chairs of the working groups, and it is also important that the board in due time, makes sure that the discussion is actually productive at each stage. And making the documents concise, documenting every progress and every roadblock and every stumbling block is an element of discussion, and I'm sure that the Public Participation Committee is going to look into this.

It is a concern of the board. There are many things on the plate, but it is clearly something that is an underlying discussion that we need to have because it's too hard.

STEVE CROCKER:

Thank you. Ray?

RAY PLZAK:

Thank you, Steve.

Stephane, I couldn't agree with you more.

When I first came on the board three years ago, one of the things that I have continued to rail against is the complexity of documents.

Somehow or other, we have to learn how to write light. You do not need to receive documents that will withstand a test in a court. You need to receive documents that you can understand. You need documents that are clearly organized and present things in an easy-to-get-to manner.

It's like when you go to the store and you buy a six-pack of beer. You can rip it open, get that can, pop it open, and you're there.

You can't do that with ICANN documents. It takes you a while to sit there and find something to cut open the shrink-wrap that is around it, so you can finally get to it, and then you have to look for a very cleverly constructed bottle opener especially made for this, before you can finally get to the nugget that you're looking for.

So this is a very, very real problem.

And so all those other factors like Bertrand was just mentioning, as far as getting the latest and greatest information, is hampered by the fact that you can't get the latest and greatest information. It's all delivered to your doorstep but you can never figure it out, and by the time you get it done, you know, the house has gone away.

So this is something that's been near and dear to my heart. My colleagues on the board know this, and I rail about it all the time. But

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I'm glad to hear that you've put it out here and it really supports what has to be done.

Because we talk about effective communications. Well, we're not effectively communicating if we give you the encyclopedia to read in one day.

And so whatever we can get from terms of input in terms of how if maybe some of these documents should be structured or formats or whatever, I for one would welcome that stuff being sent to me and I would be glad to work this through.

But I could not agree more. One of our communications failures is that we do not know how to write light. We don't know how to write correctly. We don't know how to write English so that it could be understood better by people who do not have English as their first language.

So thank you very much for your comments.

STEVE CROCKER:

Thank you.

Thomas Roessler and then Judith.

THOMAS ROESSLER:

I agree with Ray. We don't know how to write light. We don't know how to talk terse.

We also don't -- often don't know how to plan.

I would like to take this a little bit away from the mechanics of too long documents and the exact delivery dates of the documents. We can predict those delivery dates but the exhaustion problem, the overload, often is the result of too many things going on at once, too many things jumping up as an idea and being pursued.

We are throwing ourselves at all sorts of things and we're not thinking about what is a priority.

I think we need to get ourselves to a culture where we openly talk and candidly talk about what is important and what perhaps isn't, where we plan the policy work accordingly, where we plan the work in the supporting organizations accordingly, where we plan the work that the community does accordingly.

I think that needs work and I think it needs work from all of us. Thank you.

STEVE CROCKER: Good. Judith?

JUDITH VAZQUEZ: Judith Vazquez.

In essence, what we are looking for is a delicate balance of trust and transparency.

Thank you.



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STEVE CROCKER: Thank you. Next?

ALAIN BERRANGER: Thank you, Steve. Alain Berranger, head of the newest ICANN constituency, the Not-For-Profit Operational Concern Constituency of the Noncommercial Stakeholders Group. It took me a while to be able to say that when I started at ICANN.

I wanted to -- I have quickly reached the point -- the point myself of volunteer overload, and I've noticed if volunteers are like me, from an OECD country, there are direct, indirect, and even induced benefits of volunteering, so that one could make a rational decision if they volunteer, when they volunteer, and how much they volunteer.

And there's no doubt in that volunteering process that there is a capacity-building process that's going on, and volunteers become more and more valuable as time goes on.

I want to offer a perspective on the brain drain/brain gain situation, because it is almost impossible, I find, to bring in volunteers from the global south to come into this process unless, of course, they win a fellowship.

But in my constituency, I'm -- I have access already at an early stage to probably tens and tens of volunteers that are willing to get involved, and I -- I have no resource to offer them.

But I -- so I suggest there be a small study of this situation.

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One of the solutions that I know will work from having been in the international (indiscernible) business all my life is the notion of stipends for some volunteers.

I'm not saying stipends for all volunteers. I'm saying stipends for volunteers from the global south.

You know, I -- and if you want an idea of the scope I'm talking about, I'm talking about 10% of a competitive salary in the north.

This will create competition from volunteers in the south and will build capacity in the south faster.

But I'm not sure about my conclusion, and there's many other aspects, and perhaps a comprehensive study of how to bring in more and better volunteers from the south into the ICANN process, the benefit is internationalization, or faster internationalization for sure.

Thank you.

STEVE CROCKER:

Thank you. Just a personal comment.

We instituted payments to board members within the past year, and I always felt that that was -- had to be viewed as the beginning and not an ending -- not the end of a process in terms of degrees of compensation for people involved in the community.

So I -- just from a personal perspective, I'm quite empathetic.

We haven't -- I'm sad to say, we haven't moved much further down that path, and it would be helpful to do so.

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The trouble with that is it's yet one more project and I recognize the consequences of that. Somewhere along the way here, I think we do have to face up to the phenomenon that you said.

Ayesha?

AYESHA HASSAN:

Thank you. Ayesha Hassan from the International Chamber of Commerce.

The strength and credibility of the policy development processes depend on real substantive input from a range of stakeholders' experience, expertise, and views.

The risk is that when high demands on the community to comment and contribute are too high, it endangers this broad stakeholder participation and often means that those who do not have sufficient resources or financial or other interests cannot or just do not contribute, which narrows the participation in the policy development process.

I see this firsthand at ICC and the work that we try to do to contribute at ICANN as well.

As we work to get more input into the process, and the high demand undermines the goal, I would be interested to hear if the board has specific ideas for how to address this.

I heard Thomas Roessler's point that a candid priorities discussion could be one way to start addressing some of the issues that are being discussed under this agenda item. I'd just be interested to know if

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you've had a discussion about this in a way that -- specifically to ensure that the diversity of stakeholder input is preserved in this process.

Thanks.

STEVE DeIBIANCO:

Thank you. Steve DeIBianco with the business constituency. I serve there as the vice chair for policy coordination. That's the title we designed for that role. But it's not coordination as much as it is coercion to try to get volunteers within the BC who, like you, have day jobs, full day jobs, and getting them to try to allocate enough time to be -- to be attentive to a public comment period or working groups. And the BC does a great job participating in a lot of places, but there aren't enough of us with enough time to go around.

So we're going to change the title from "vice chair of policy coordination" to "vice chair of policy conscription." We're going to have to force people to get involved but I don't have a lot of hope for that.

But I have three suggestions.

Steve, you mentioned the notion of rate-limiting and you used the metaphor with respect to the delegation rate. Just take a look at the public comments. There are 14 open right now. If -- let's please explore an idea of limiting that. Pick a number. Pick a number. 10? No more than 10 can occur at public comment periods? And if you have 11, 12, 13, and 14 ready to go, they might have wait until the first one peels off the list. It might be a simple thing to try. Would appreciate that.

The second is to, when you're allocating staff -- when you're allocating -- sorry?

All right. Well, final suggestion. I'll follow up on Ray.

Always open a beer when you're reading ICANN documents.

[ Laughter ]

STEVE CROCKER:

Bill.

BILL SMITH:

Bill Smith, PayPal.

So I was struck by two words that I've heard here, "trust" and "transparency."

And I believe that we have both of them. Or at least one of them. Transparency.

I hope we can get more trust.

And we have to have both trust and transparency, both in the organization and in the processes.

There is a fact, I think, that we are ignoring, perhaps, in this discussion. This is a hierarchal organization, and as a consequence, when we take decisions at high levels, the people who make those decisions, as the organization grows, covers more territory, are going to have to review more and more and more.

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So as the -- the organization continues to grow, that's just -- that problem is just going to get worse.

There have been suggestions to limit pages, number of reviews, documents, et cetera.

I'll exclude myself from this comment: We're all intelligent people here and we will find ways around anything -- any rate-limiting that is put in place.

I'm sure all of you know about small fonts. That's a way to get -- jam stuff in -- you know, into pages. It's not going to limit the stuff that any of us have to read and review.

So I suggest we need to consider alternative -- an alternative approach, and that is to -- to use trust and transparency to our -- to greater effect. And that is to entrust people at different levels of the organization, or to flatten the organization and allow people to make real progress and potentially decisions in an open and transparent manner.

Otherwise, we will continue to have 700 or a thousand pages that have to be reviewed at each and every one of our meetings.

And we're hearing from people right here that this is not going to work going forward.

We must change.

Okay? So let's -- let's talk about that, as opposed to, well, how do we maintain the current organizational structure, make it so all the decisions happen, you know, at relatively high levels.

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Find a different way. We really need to do that.

STEVE CROCKER:

So we hear you. Things have to move from "it's important" and things have to change to "and here's how," and we have two very capable men sitting successfully in the CEO seat coming up. I'm sure that this will be one of the things that they care deeply about. For the staff, anyway. Might not care anything about the volunteers, but...

[ Laughter ]

Thank you for laughing.

Bertrand?

BERTRAND DE LA CHAPELLE: Just a quick response to Bill's comment.

Interestingly enough, the fact that we have the new gTLD program that is bringing a lot of new people is going to force us to think about how the documents are, or not, accessible in terms of the time that are needed, so I will add that to the list of the interesting process regarding the impact of the new gTLD program on ICANN.

BILL SMITH:

If I could, just one quick thing to the point where we don't know how to write succinctly, et cetera.

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I suggest we may want to get editorial staff that do know how to do that and be able to employ them, because that actually -- we're not going to get great writers participating, necessarily, in these activities.

But it is something ICANN could do is get editorial staff that could help.

STEVE CROCKER:

We're running considerably behind time and there's just simply choices to be made. We can keep going with this. We have globalization of ICANN and new gTLDs and some topics that are listed under "any other business."

Let me just do a quick show of hands here.

Which of these would you like not to talk about?

All in favor of not talking about globalization of ICANN, raise your hand.

Thank you.

All in favor of not talking about new gTLDs, raise your hand.

Ohhhh.

[ Laughter ]

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There's one back there.

[ Laughter ]



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STEVE CROCKER: I see. So people are anxious to talk about these things.

You get -- you get 20 seconds here. Go. Seriously. Cram it in. 140 characters.

MIKEY O'CONNOR: Okay. 140 characters. I'm going to tweet this.

All right. One of the problems is lumpy demand. There are lots of managerial systems in the systems maintenance field that handle lumpy demand -- oh, Akram is there. I'm going to talk to you. You know about this.

STEVE CROCKER: Thank you.

MIKEY O'CONNOR: So think about systems maintenance.

Think about pictures in addition to editorial. I fully agree with Bill on getting editorial help. As a working group person, I could really use some of that.

And then finally, let me just point out the number of layers of overhead between me, at the bottom of the bottom-up process, and you at the top. There are five.

So we might do a little overhead reduction, speaking again to Akram.

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STEVE CROCKER: Thank you. Alan.

ALAN GREENBERG: Alan Greenberg. ALAC liaison to the GNSO. I'm very sympathetic to raise pleas. In some circles I'm perhaps -- I'm known for my terse documents. Like any organization that's been around for a while, our rules and procedures grow with every day and every meeting. Look at the Board reports that you've now been mandated to put rationales in and they've grown bigger. A lot of our rules force us to put things in our documents and bloat is mandated by the rules and processes. So if we want to fix the problem, we can't just tell people to write terser. We have to make sure our rules do not demand that we say everything in every document. It's the only way out.

STEVE CROCKER: Thank you. Thank you all. This is quite spirited and helpful. Moving quickly on, globalization of ICANN. Not doing? No, the votes -- the votes were -- I mean, I interpreted these votes as very few people didn't want to do it.

That was very --

[ Laughter ]

I suppose there is the legitimate question. How many people do want to do this topic? Globalization of ICANN. And how many people do want to do new gTLDs? Yeah. Going to. Okay. Let's do it. We're going to keep this one very short. But we'll do it. Globalization of ICANN.

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WOLFGANG KLEINWAECHTER: Okay. Thank you. My name is Wolf Kleinwaechter. I'm from the University of Aarhus. We all know that the intergovernmental treaty system and the multistakeholder governance system are different ways to manage global resources. In my eyes they are not exclusive. They can complement each other. My argument is always the intergovernmental treaty system today is embedded in the multistakeholder system, but there are other groups who have a totally different approach. They think that the multistakeholder governance system has to be embedded into intergovernmental treaty system. The problem here is that if you go to an ICANN meeting and talk about global governance, you get only half of the whole story. That means people who believe the other way around are not included in this debate and this makes it difficult. So that means we will enter troubled water. And sometimes I see that we are sitting in a canoe moving towards a big waterfall. What to do? Don't fight the waterfall. Stabilize the canoe. Make ICANN as stable as possible, as efficient as possible and as inclusive as possible. But it's not enough. That means it's not, you know, just to stabilize ICANN. You have to have a proactive strategy to deal with these challenges. You have a Global Relationship Committee, but it's only a Board committee. My proposal is to open it and to -- you know, include various people from the various constituencies for this Global Relationship Committee and to develop a strategy which goes beyond WCIT, beyond the world telecommunication policy forum next year in May and beyond WSIS ten plus so that means a lot of different challenges.

You know, here in Prague, that's a historical city. You know, it's had a very rough practice, you know, to deal with dissidents. They throw

them out of the window, you know. In 1618 this was the defenestration

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STEVE CROCKER: Finish up.

WOLFGANG KLEINWAECHTER: Which started a religious war for 30 years and that was the best (indiscernible) of peace. I hope we do not see 30 wars -- 30 years of wars between multistakeholderism and intergovernmentalism. Be inclusive. Bring the people into the process so we can put all the dirty (indiscernible) aside. Thank you.

STEVE CROCKER: I think our progress is that we have managed to arrange 30 years of war without defenestration. Just on the point of how many people, let's consider the line closed with those who are in it right now. It's even longer than I hoped it would be. Quickly, please, Marilyn.

MARILYN CADE: My name is Marilyn Cade, and I am going to change what I was going to say because we just sent a message to the world that I'm just not comfortable with.

[ Applause ]

I'm just not comfortable with it. Here's why I'm not comfortable. This organization, I heard a metaphor on Monday about ICANN being an oasis. We want more people to come here. And globalization is so essential we have to think about it so much more actively. So I think

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actually for the future of ICANN, I've got to tell you, globalization as a topic is more important than new gTLDs.

[ Applause ]

STEVE CROCKER: Thank you.

MARILYN CADE: So I'm going to mention a specific suggestion that the B.C. made about an opportunity that ICANN could have grasped to send a wonderful message to the world about their commitment to globalization. We could have prioritized IDNs. We didn't do it, but we could have. That would be such a gift to us and to the world to say we are acting in the global public interest. We are, in fact, in trouble out there with people not understanding us, not knowing us, not caring. Let's do something active and proactive, and we still can. But let's also realize that globalization is our first priority.

STEVE CROCKER: Thank you. Next.

SALANIETA TAMANIKAIWAIMARO: Thank you, Salanieta Tamanikaiwaimaro for the transcripts, a/k/a Sala. My first disclosure is I'm one of two chairs of the Civil Society Internet Governance Caucus and also ALAC. But when I'm making this statement, I'm making it in my personal capacity. The first thing that I think that I would like to suggest for the Board to consider is the issue of legitimacy. In light of the heavy criticisms that have been leveled against ICANN, which I won't go into, I will say this, I believe in

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ICANN and I believe that it's an experiment in the multistakeholder model, but we really need to gain increasing legitimacy. And I would like to concur with what Marilyn had said. There is a need to increase outreach in terms of -- and capacity building. As far as the GAC and as far as ecological communities is concerned, penetration rates are still slim, and most governments don't even know about IPv6 in the global south, things like that. And also, the other thing I'd like to point to is in relation to the Registrar Accreditation Agreement. We all know that we face a stalemate. On one hand you don't want to regulate the Internet and on the other hand you want to balance global public interest. And what I would like to recommend or suggest to the Board is there's a need to creatively look at ways, innovative ways where we can have -- and if we as a community, as an ecosystem can sort of work together to achieving this balance, that will be awesome. And with that again, I'd just like to thank you for giving me the opportunity to address you. Thank you.

STEVE CROCKER:

Thank you very much.

SURI:

My name is Suri. There's something very interesting that happened to me this morning. When the cab driver dropped me off in front of the hotel, he tried to rip me off for double the fare. Right? I spoke up, confronted him and stood against it and called for the police. So what does this guy do? Instead of ripping me off for the fare, he ripped my pen out of my pocket, jumped into the cab, and almost ran over me and

ran away. In the process he was a little -- a little benevolent. He took his pen out of his pocket and dropped it off for me to pick up. Right?

Why am I sharing this? I'm part of the globalization process. And I believe that each one of us needs to stand up and speak for what we believe in. I'm standing here now because I believe in ICANN and what ICANN stands for. Right? The Internet has created a new world. ICANN is the Internet corporation of this world. And you, the Board members here, are in a position to shape and direct that particular world. I come from India. I don't speak for India at this point of time. I speak as a member of the Indian Internet community. Of the world population of 6-point odd billion, about 1.2 billion are from India. The government of India -- may I request the government representative here to stand up? That was only a rhetorical question. Right? There is nobody here.

[ Laughter ]

The government of India is spending 5 billion, the government of India is spending \$5 billion to set out a national broadband network. We don't have a member here from the Indian government at this point of time. There is a need, right? And I don't say this just for India. There is a need for ICANN to engage with all emerging countries because that is where you're going to get your critical mass of the next three billion users from, right? And this is how the world is getting shaped. I do believe there is a critical need for ICANN, particularly for countries like India, to have a representative to engage with them because if there is that vacuum, somebody else is going to go and fill that. And there is a need for that knowledge to percolate.

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The second point I wanted to make is that all the new users who are going to be coming on board to use the Internet like countries like India, typically they don't own a computer. They go to the cyber cafes, right? There are 180,000 cyber cafes in India. There is similarly 100 -- probably a million cyber cafes across the world. I think ICANN needs to look at new constituencies to engage with the emerging users. So there has earlier been a proposition for inclusion of new constituencies. I believe and I request that the Board needs to be open to bring in new constituencies to engage the next three billion users. These are people without computers today. Thank you.

[ Applause ]

STEVE CROCKER: Thank you. Please.

YAN JINGLI: Good afternoon. My name is Yan. In Chinese it means swallow, a kind of bird, and I'm from CONAC, China Organizational Name Administration Center. On behalf of the Chinese Internet community, I would like to express our most sincere appreciation for ICANN's resolution that the next ICANN spring meeting is approved to be held in Beijing, China. Selecting Beijing for our public ICANN meeting is a natural result of the deep cooperation and collaboration between ICANN and the Chinese Internet community developed over the past several years. Connecting more than 500 million Chinese Internet users and 500 -- and 356 million Chinese mobile Internet users. It's really a significant move towards



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achieving the goal of one world, one Internet, everybody connected. Also, it's a quite significant move for ICANN on its road to globalization.

Along this road, I believe that ICANN can be an asset in the global Internet community and also it can be the best place embodying the (indiscernible spirit that is a place where we come together, we listen to each other, we understand each other, we tolerate each other, and we build things together.

The Chinese Internet community has been and will always be actively engaged in the IDN project, the new gTLD project, and also other projects that's in the common interest of the multistakeholder model. Sometimes after the milestone we agree to disagree. We respect and we support all the resolutions that ICANN Board has made. We really appreciate what ICANN Board has done for the Chinese Internet community. As one of the co-hosts of the 46th ICANN public meeting, CONAC we would here like to extend our warm welcome to ICANN and to the global Internet community. Along with other co-hosts, we would be more than happy to see you in Beijing next April. And we would like to present you a unique ICANN meeting that's the best ever. We would like to see you in Beijing. Thanks very much.

[ Applause ]

STEVE CROCKER: Thank you.

ALTHEA SUEN:

Hello, everyone. I'm Althea from (audio problem) region in Hong Kong, namely The Kid's Dream. And which I'm 16 and the majority of our members are under 18 years old. And I'm here to support a dot kiss foundation which is a new gTLD initiative. And I would say it is a totally brand new experience. This is my first time to be here in ICANN. And I do think the reason for why I'm here is due to the globalization which allows more people to come here to engage in the Internet affairs. And as a children and a member of a children organization I do think some of the matters being discussed here affect me and other children as well. And take the dot kiss domain as an example. How the domain will be used for profit-making or community use actually effect our children. Therefore, I do think it's crucial to have children as one of the stakeholders and the multistakeholder approach to have children have their views and voice be heard. So I wonder if ICANN as an international organization which claims to use a multistakeholder approach, will value the children's participation and explore the possibility of having a new constituency which is a children constituency under the GNSO to let our future generation to contribute to ICANN, too. And I mean, globalization more kids are exposed to our Internet, and it's actually account for quite a large group of Internet users. So it's really important and nice if ICANN is aware and take this children participation in consideration. Thank you.

STEVE CROCKER:

Thank you.

[ Applause ]

ADIEL AKPLOGAN:

I'm Adiel Akplogan of AfriNIC. I just want to make a clarification. I think globalization for me is different from multistakeholder. Globalization means more than that. And it means commitment to fight against unique way of thoughts. We have to understand that ICANN -- this committee, the thing doesn't happen the same way all over, and for that we have to be close to those who are not here who do things differently and understand how we can help them. I mean, if you come to my region, maybe gTLD is not the priority but that doesn't mean we should not talk about it to them because they are a priority that is important for the development of Internet and important for ICANN I would say visibility among those regions. So I would think that globalization is very important, but it also means ICANN, to get close to those communities which are not actively present here who are doing things differently, who have different models of economy, who have different priority, to understand those priorities and take them into account. And I really urge ICANN to regionalize itself more further to get close to those communities because --

[ Applause ]

-- they are the one who is are joining this group, and if we inure them today, we are going straight to the world.

[ Applause ]

STEVE CROCKER:

Thank you very much, Adiel. Okay. Again, in the interest of time, we're going to close this topic, move now to new gTLDs. No delay there. Yeah. So there's a two-minute rule and more strongly than that, in a

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second I'm going to close the line. So if you're coming to the line, you get in it and that will be the end of it. Go.

OLGA CAVALLI:

Thank you, Mr. Chair. Thank you, Board. Thank you for this opportunity. My name is Olga Cavalli. I'm a citizen of Argentina, and I am the representative of my country in the governmental advisory committee of ICANN. I want to say that Patagonia is a region of Argentina that comprises all of the provinces of the south of my country which is a considerable part of land of South America. Patagonia is a vast and beautiful region. It is well-known for its beautiful landscape and relevant region for our economy because it has oil, fishing, mining, agriculture resources. It is also the house of a vibrant community.

In the name of my country I am here to telling you that Argentina does not accept the dot Patagonia request for a closed brand TLD, as it is shown in the list of new gTLD applied-for strings. The ICANN board must ensure that the plan of judging new gTLDs applications considers as relevant the community meaning of requested TLDs above any other interest. ICANN Board -- sorry -- must consider that this case of dot Patagonia should not become a precedent for other brand TLDs capturing names of regions of countries in next rounds of new gTLD applications. Thank you very much.

STEVE CROCKER: Thank you.

AMADEU ABRIL i ABRIL:

You count the time for me. I'm Amadeu Abril i Abril. Are you considering paying people for also the time they also spent in the queue for remuneration. Okay, in new gTLDs, I already said in the first chunk how the digital archery revision showed future comments on accountability and transparency. But, if you take the core values of section two of our bylaws, you will see the whole list reflected there. For instance, public interest and globalization. Look what Marilyn said and we have also proposed here. We cannot understand how you cannot prioritize everything else equal to IDNs, how they can possibly go at the end by any procedure that you take. It's impossible. Let's take competition. Why you create artificial harm by putting, you know, things that are similar or should be together in the same sector, in the same territory, one and a half year apart in the market for no other reason. They prefer being together, even if they are alike. Why create artificial harm? The problem is not why. I cannot explain anything else. I have a short theory.

It comes with what Elliot says before. Fear. Fear of what? Fear of litigation and damages. We believe that, if you try to remove from making decisions, this will not harm the entity itself. It's a contrary. If you create equal harm to everybody, it doesn't benefit anybody. If you make decisions -- this is why we are here. This is why we love you. This is why we elected. Because ICANN needs to make decisions. This is why we pay and held you harmless and dance and sing in circles outside Jones Day's offices, if necessary, if they help you. But, if you don't make decisions, we'll not be able to support you. This is not an automated process. Make good decisions or bad decisions. But take up your

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responsibility. Because not being responsible doesn't mean you won't be liable. If you feign your responsibility, you will still be liable.

STEVE CROCKER: Thank you.

JONATHAN ZUCK: Jonathan Zuck for the Association for Competitive Technology. I've been among those who have been critical, to some extent, of the new gTLD program as it was evolving, et cetera. But, if you bear with one more-one last Kafka quote, he said from a certain point forward there's no turning back. And that is the point we need to reach. And I think that that's really the case now, that one thing -- and this isn't as much directed to the board but to the community as a whole. This is not the time to decide whether the new gTLD program was a success or failure. And we're already having rhetoric like that. We didn't reach out to the global staff enough. What we need to do is remain flexible and fluid. And, if it means prioritizing IDNs, we can still do it. If it means extending the JAS, joint applicant support window, we can do that. Let's be flexible. Let's move. Let's make sure we make midstream corrections and make this a success as opposed to starting out judging it at the outset. That's the one comment I'd like to make to the whole community.

STEVE CROCKER: Thank you very much. We have a comment from the net.

FILIZ YILMAZ:

Thank you, Steve. Filiz Yilmaz, ICANN staff, reading a comment from Andrew Gardener, registrant.

It appears there's going to be a significant bottleneck caused by the delay receiving early warning notifications from the GAC. Would it be possible for ICANN to discuss with the GAC a change in methodology from the early warning system? Perhaps somewhere individual GAC members can log on to the application system at their leisure and tick an early warning yes or early warning no box. An early warning yes tick will trigger an immediate notification to ICANN. But, likewise, once an application had gathered early warning no ticks from every GAC member, it will generate a green no go notification for ICANN for that particular application allowing it to proceed to the next step. This will remove a significant bottleneck and also rate limit the applications existing at the GAC early warning stage. This would also allow the GAC to prioritize which applications it wants to see go through first, if it salvaged, something that ICANN itself is hesitant to do. But I didn't say that in public. Thank you.

STEVE CROCKER:

Thank you. Interesting idea.

Look, I see the line has gotten longer. But I actually was serious about closing the line. Who was last in line when I made that statement?

[Laughter]

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BRUCE TONKIN: Are you going to process the line as a single batch or break it up into batches, Steve?

STEVE CROCKER: All right. Elliot, you've got the management skills. You're hereby deputized. It's either you or you make the -- seriously, it's either you or -- SO --

ELLIOT NOSS: Don't do that to me.

STEVE CROCKER: Seriously. Go work that out.

PAUL FOODY: Hello, Paul Foody. Anybody who's looking at the 1400 applied-for strings, nobody can be in any doubt that what we're looking at is a replication of the dot com registry at the top level. The reason why the dot com or the new gTLD program was introduced was one based on competition so that people could get the domain that they wanted. That is not going to happen.

What is going to happen is there's going to be even fewer domains available. Those domains will be given to the world's largest corporations. It's not going to be about innovation, because a domain name is just a pointer to an IP address. This is a scandal, in my opinion. I believe that you've had seven years to come up with a new means of directing people to the site that they want. I believe that the prospects



of cashing in, to the degree that people stand to cash in, has blinded people to the opportunity that was available here. And, quite honestly, right now you're in a position -- you can see with three of the world's top four accountancy firms -- KPMG, PwC, Deloitte -- all having gone for their own top-level domain. With BBC, with ABC, with CBS, with Bloomberg, all having gone for theirs. The number of top-level domain that are going to go to major corporations that are going to inspire other corporations to want their own.

This is at a time when the majority of the main choice is do I go for the dot com or the dot cc of the country where I am? In the future, when the choice is one of 1,002, everybody's going to want one. Please, now, review your decision. Throw this out while you've got time and start again.

STEVE CROCKER: Thank you. Next.

PAUL FOODY: Thank you.

CARLTON SAMUELS: My name is Carlton Samuels. I'm vice chair of the ALAC. I'm want to say what I'm going to read here forward is not a formal statement of the ALAC, but it represents the sentiments of the at-large community at least in our estimation.

The At-Large community notes with concern ICANN's challenges regarding the safe processing of hundreds and hundreds of gTLD

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applications. Generally, there's not much interest by the end user community in how all these applications are prioritized with three exceptions. We note the small number of IDN TLD applications and request these be placed at the top of whatever evaluation processing mechanism, if any, is eventually chosen. Having more IDNs, to us, is a critical improvement to the name space that needs to happen as soon as possible.

We also request expedited treatments for applications that qualify for applicant support as well as those originating from emerging markets and developing economies as they demonstrate both community relevance, geographic diversity, and, yes, it would be a demonstration of commitment to globalization. Thank you.

STEVE CROCKER:

Thank you.

[Applause]

EVAN LEIBOVITCH:

Hi there. I'm Evan Leibovitch. I'm the other vice chair of ALAC. And, like Carlton's, this is not a formally endorsed statement of ALAC. But it is a consensus of the people around the table and, in fact, a good bit of the wording isn't all mine.

At-Large participants at this meeting have been extremely disappointed with the response we've received to our concerns about ICANN contractual breaches despite two meetings we've held this week. We've submitted numerous well-documented examples of identified

breaches that have either been closed prematurely or improperly handled. The answers we received to these and other matters were incomplete, contradictory, and in some cases evasive. The engagement was less than satisfactory. Our concern is enhanced by the introduction of the many hundreds of gTLDs as candidates for oversight.

On the evidence it's extremely difficult to have confidence in ICANN's ability to enforce the new gTLD contracts when it's unable to adequately enforce those for the less than two dozen gTLDs that already exist.

This is not just about contract enforcement. It's a core matter of ICANN's accountability, transparency, and public trust.

Clause 3.7.8 of the RAA, even in its proposed new form, doesn't and cannot enable sufficient contract enforcement to serve the public interest. To this end, ALAC shall be proposing its own new wording for 3.7.8.

We hasten to caution that simply throwing more bodies at compliance will not bridge gaps in public trust, especially if ICANN continues to be seen as allowing bad actors to be conducting business as usual even after being called out.

Although ICANN is not formally a capital R regulator, it needs to exercise control over its contracts comparable to that of a first class effective small R regulator. There needs to be an explicit separation between ICANN's compliance and legal departments. ICANN's current posture does no service to its public interest and raises the issue of what the organization's function and identity is, most specifically in the area of

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contract management. More to the point, it undermines the value of the compliance department. This is a critical corporate governance and AoC issue and must be addressed.

On a personal note I want to make a point of saying this is not about Maguy. This is not about the people in the department. It's a systematic problem. It's deeper than that. And on the last personal note, I think given the time of everything, you're making the case for bringing back Friday mornings. Thanks.

STEVE CROCKER:

Thank you. Filiz.

FILIZ YILMAZ:

Thank you, Steve. Filiz Yilmaz, ICANN staff. I have one more intervention from Elaine Cruz, Minds + Machines. Thank you for taking input from the community on how to manage the large number of applications. Please clarify the statement from Cherine Chalaby that the new roadmap process will be developed. He did not say when it will be developed. Rather he said the board committee will meet in three weeks.

Will that meeting result in the approval of a roadmap or the beginning of a discussion by the committee?

Additionally, does he mean the board intends to delay the start of initial evaluation while considering a new roadmap, or will initial evaluation begin as originally planned? Thank you.

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STEVE CROCKER: Thank you.

CHERINE CHALABY: We will begin working on the roadmap as soon as possible. Absolutely no delay on that. We've put a marker in about three weeks' time for us to sit down and review where we are in terms of the roadmap, the timelines, the input from the community. And we're making an assessment then of where we are. We intend to work as fast as possible. We will do it responsibly so that someone said -- as everybody said, we need to get it right this time.

In terms of the evaluation, we said we are not going to delay the process of evaluation. That will continue and will not wait for the year for the roadmap to just start.

STEVE CROCKER: Thank you. Phil.

PHIL CORWIN: Good afternoon. Philip Corwin speaking again as counsel of the Internet Commerce Association. I want to address Uniform Rapid Suspension. It's one of two required new rights protection mechanisms. It's extremely important it be done right so that we get maximum levels of registration at new TLDs and so there's not a delay in delegation to the root because URS isn't ready to go when applicants are ready to be delegated.

It's very unfortunate that there has not been a collaborative multistakeholder implementation process for URS over the past months

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as there has been for trademark clearinghouse, which, as a consequence, is much further down the road toward being done.

We've been told that URS cannot achieve the desired price target. We've been provided no data or analysis of that data to justify that conclusion.

I filed a document disclosure request 30 days ago, have received nothing yet. So we do need that data analysis. What we don't need is \$175,000 being spent on two undefined summits. We need some staff support for an implementation process that's open in membership, transparent in operation. We had a meeting on this subject yesterday. It was apparent that people with very different perspectives on the issue share a common desire to create and implement a URS that achieves the goals of rapid suspension of incontrovertibly infringing domains at the lowest feasible cost while preserving essential registrant rights. Such a group would be best able to avoid reopening divisive policy issues, in the extent that anything has to be reopened in policy. That consensus process would guarantee that the GNSO which should play any role in reviewing any policy changes. If there's a consensus, it will be easy for the GNSO to consider it and probably implement it.

To sum up, let's get started with an open and transparent URS implementation process so that we can report on its progress in Toronto. Thank you.

STEVE CROCKER:

Thank you.

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ATSUSHI ENDO:                   ello, members of ICANN community. This is Atsushi Endo of URS, new gTLD applicant.

I do think very briefly we have already completed digital archery with technical center. But we welcome the board decision to quit using digital archery. In our opinion is that single batching is fair compared to divide the applicants or two or three, maybe four or more groups. And this is one thing I'd like to raise here more intensively is that the ICANN must consult with the community to avoid this kind of mess coming next gTLD round. That's two things. Thank you very much.

STEVE CROCKER:               Thank you. Elliot.

ELLIOT NOSS:                   Elliot Noss, Tucows. I'd like to return to the issue of culture and a defensive nature in, primarily staff, but a lot of the community as well, that is now deeply baked into the ICANN world.

ICANN was birthed as a small, weak, nascent organization that was under consistent attack from the then incumbent and from the ITU and from the IP community.

That defensiveness has always stayed baked in that culture. We see it again, as I mentioned with digital archery, with the TAS system, which was way over-architected, when it simply could have been secure PDFs and something so much simpler. There was a saying that probably doesn't exist any more, no CIO or CTO got fired for buying IBM. I feel

that that has permeated in what we do here. The more we spend, the more defensible the position.

I think another great example of this is \$25 million on an independent objector before even seeing what the strings were. If you look at these strings, I can't imagine what this body is going to have to do to justify that spend. And they will.

I want to close by saying we're in a transition point, and transition points provide opportunity. We have a new CEO coming in. We really need to think CEO into staff and board deeply supporting a recognition that we're older. We're stronger. We're -- this is now a well-funded organization.

Please, create some fearlessness and allow for nimble solutions, nimble thinking, and not knee-jerk reaction to everybody who's throwing stones at us. Thank you.

[Applause]

STEVE CROCKER: Thank you. Elliot, Fearlessness, here. Where was the end of the line?

ELLIOT NOSS: It's like Google is at the end of the line. Am I going to alienate them?

>> Your comment was you're going to shortly close the line, but you never actually said you closed the line.



STEVE CROCKER: No. I tried to say that the line was -- well, yes, I remember what I said. We need to cut this off. My recollection is that the man standing behind Wendy was the last one when I had this comment.

>> Steve, why don't you reduce the amount of time per person?

STEVE CROCKER: More argument is not going to save any time. Let's just plow forward. Go ahead, please.

NICOLLE LIU: I'm Nicolle, and I'm from the same children's group as Althea is. As long as we have a children's consistency in ICANN now, I would like to take this opportunity to share our views to dot kids, the new gTLD that will come up. Yeah. From a children's point of view.

And, first of all, we would like dot kids to bear a non-problem making one as it could be contributed to the kids community. We don't want commercial basis company to take dot kids as we believe that dot kids is something that belongs to the kids community.

And also we think that the TLD should definitely be safe to children as they should be protected from materials such as pornography and violence. As long as kids are more likely to have access to Web sites with the gTLD dot kids, we think that this is really crucial to do so.

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However, being children's friendly is only the first step. We think that the third step is to provide child-friendly materials. I think that might be a new term to most of you here. But a child-friendly materials is information that are easy to understand by children. Like, Wikipedia is generally kid safe; but it is not children friendly as children are often -- it is often written in languages that are difficult for children to understand. That's why we think that dot kids should be a platform to promote kid-friendly content. And we hope to see more content that are easy to read for children, like articles that are written in simpler language or illustrations that are especially designed for children.

And, last of all, we think that the TLDs closely related to the interests of children so that you think that the feelings of children should be included in the governance of this TLD. And the voices of children should be heard, and they should be enforced in the decision-making process of dot kids. Yeah.

Last word. Sorry. I think all of us -- all of you have been a children once. So I think you should take this into consideration. Thank you.

STEVE CROCKER: Thank you very much.

WENDY SELTZER: Thank you. Wendy Seltzer here speaking as a longtime participant, observing some of the challenges that the new gTLD program has faced.

I want to speak to the issue of conflicts and the way those are being dealt with.

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I think we've drifted to the extreme in our treatment of conflicts to exclude people with deep knowledge of the industry from discussions where their knowledge would be helpful, and while of course it's important to keep people from voting on things that affect them directly, it's also important and a key benefit of the multistakeholder program that we have people from various parts of the industry who can help tell us how the industry works and how the programs that we're considering will affect them.

So while I have utmost confidence in all of the board members who are members of the new gTLD program committee, I also think they would be benefitted by greater contact with those members who are currently conflicted.

[ Applause ]

STEVE CROCKER: Thank you. Next?

SCOTT SEITZ: I'm Scott Seitz. I'm here with dotGAY, LLC. We're the only community application, and I have to say that when I first started coming a couple of years ago, I wasn't expecting the sorts of surprises that I constantly get at these sorts of meetings, but I guess the biggest one is I'm so excited that so many people want to be gay now from the straight community.

[ Laughter ]

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For the last few years, community applicants have been coming up here and talking with the board about what we're doing to build awareness in the community and the risks that we're taking and the work that we're doing to identify what's going on in the gTLD system.

We've been transparent and we've been gaining consensus on our applications.

Now we see the applications are here and another concern is coming forward.

Community applications intend to run gTLDs as a community for the community. Standard applications, if they're applying for a community namespace, will have a difficult time running community-supportive TLDs while satisfying corporate, stockholder, and investor interests.

Community applications have sought out the communities, built policy missions, objectives -- objectives, and even developed real benefit for the communities and included the communities in the work that we've done.

We acknowledge that all of the application is being tested for the first time and that this is all new, but we're anxious to see if the community evaluation process will accurately assess and protect the community.

DotGAY is particularly concerned, as Avri committed to earlier and we will present to you later, some of the horrible things going on in the community.

I'd like you to all think about how good this can be for the community, and take the time to read our application, look at what we've

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developed, look at how we've become an inclusive umbrella for LGBTQIA and all the new parts of our community that were going to come out as we become more visible and safe. Thank you very much.

STEVE CROCKER: Thank you. Raimundo?

RAIMUNDO BECA: I didn't stop -- step in the line for saying what I am saying now.

Only I forgot to mention but Patagonia is not only Argentina. It's also Chile.

[ Laughter ]

But I didn't step for that. I step for making some comments on the budget, on the approved annual budget of the new gTLDs program.

In my opinion, there are some assumptions that have to be corrected because they are not accurate and they have to be corrected as soon as possible because this is a very important issue.

All the world -- not only our community, but all the world is looking to that budget and the way that the money is expended. It's a question of accountability and transparency.

The -- I would like to mention three assumptions that in my opinion should be corrected as soon as possible.

Assumption Number 1 is concerning the budget was calculated with an assumption of 2,000 applications.

In fact, there's not 2,000. There's 1930. And it has a lot of (indiscernible).

In the document, it's even mentioned that this is only a 3% -- 3% of the applications in press, but the 3% is \$11 million. \$11 million is a lot of money. It's a lot of money.

And in (indiscernible) this is a minor difference. It's not a minor difference.

But Number 2, the -- in the report adopted by the board, you see instead of speaking of the historical cost, it's using the euphemistic term "the development service fees."

It took me a long time to -- a long moment knowing the issue -- yes.

It took me a long time to understand, I have to ask to Xavier what was the -- okay. I know.

I asked -- I said -- it took me a long time to ask to Xavier to learn that the -- what the development fees were, what are the historical costs.

And the historical costs, he explained to me today that the -- that the -- they are capped to an amount of 32.4.

Well, these are the cost that were estimated as the -- in the value of 28.9 in -- no, 29.8 in September 2010. I can't believe it that from September 2010 to now, we are -- we have expanded the -- the expenditures has increased only \$3 million. It isn't possible. We have to pay the -- the TSA, the digital archery, the other (indiscernible) as well.

And Number 3, a lot of (indiscernible) in the calculations -- in the calculations, a lot of (indiscernible) has the figure of \$25,000 for the -- for each application to pay the historical costs.

Well, this fee of \$25,000 is a result of a ratio. A ratio between the historical cost and the number of applications. Both numbers are wrong, and perhaps the -- and maybe the result will give the (indiscernible) about two thousand and thousand --

STEVE CROCKER:

Excuse me. I need to interrupt.

Raimundo, you're making some good points, and I know from your long and arduous service on the board how excellent you are at looking at budget issues, so I want to take this seriously.

Let me ask you to -- to write this down and send it in. There's --

RAIMUNDO BECA:

Okay.

STEVE CROCKER:

You know, some of this has been covered before.

We are in a very strong time management crunch, so let me thank you here --

RAIMUNDO BECA:

Okay.

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STEVE CROCKER: -- and move on.

And in moving on, let me ask that the clock be set at 60 seconds each and we're going to end with -- I should remember -- with Google, with the man from Google.

RAIMUNDO BECA: Okay.

STEVE CROCKER: I think -- I can see a few behind you, including Desiree, but I apologize but we're going to stop there.

Werner, quickly.

WERNER STAUB: My name is Werner Staub. I work for CORE association.

In the guidebook, there was a description of what kind of categories we have and we had a long discussion about categories and so on and, you know, people say they have got two categorizes, community-based and standard applications.

Now, it doesn't matter.

It just so happens one key category has been defined in the guidebook, albeit with one clarification that just came in the knowledge base on January 16th this year, four days after the launch of the application window.



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This was the category of the exclusive-use TLDs. The other ones being third-party-use TLDs.

Unfortunately, the questions asked in the application -- during the application phase did not include a very simple important question, a fundamental question. Namely, do you want to use the TLD exclusively and will apply for exemption from Specification 9 of the registry agreement.

Everything defined, but the question was not asked.

It has lots of consequences if ICANN continues to fail to ask that question, which is essential for at least 500, most probably 600, applications in the -- currently in the process.

And for some of them, it is not just a question of how much the evaluation costs in terms of loss of effort and time for useful questions to respond. It is also that the application cannot be understood.

For instance, if we have dot UBS and dot UPS, I'm not sure how you want to discuss whether they are for -- confusable if you don't know whether they're for exclusive use.

STEVE CROCKER:

Thank you. I think your point is very well made. Let me ask to move on.

ANNALISA ROGER:

Hello. I'm Annalisa Roger. I'm the leader of the dot green community, application for the dot green TLD string, and I understand but I would like confirmation that if --

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We have multiple applicants for that string, so I understand if a collaboration cannot be reached, that the process in line with ICANN is we would move on to auction. And I just would like to hear a confirmation or see it in writing somewhere on the Web site that the auction monies will, indeed, go to charity.

And I would like to make a suggestion that specifically in the case of an environmental top-level domain auction by ICANN, that the auction money would go directly to a specifically environmental charity of third-party choice.

STEVE CROCKER:

Thank you.

As I said in my opening remarks, we're wide open and ready to take inputs and I think we need to organize that process and this is a piece of it. Thank you.

ANNALISA ROGER:

Thank you very much.

HU CHIAO:

Good afternoon, ICANN community members. My name is Hu Chiao. I'm a 14-year-old international student born in Taipei and lived in New York, Beijing, and now in Hong Kong.

I would like to thank ICANN for this democratic approach so I can be here to speak.

Let me start by sharing a short story.

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My dad registered for chiao.hu which is my name as a first ticket, but he forgot to renew it so then the Hungarian registered it away. What a tragedy for a person sitting on the GNSO Council.

I would like to have a few comments to share as a young stakeholder in the community.

ICANN should include the voices of the next generation, spending money on educational uses by different ages groups, as we will be the owners of domain names in the next generation. We actually have been a part in it but have very limited knowledge about what domain names are and how they are going to affect the young generation in the future.

My school -- my schools are all pretty advanced in technology educations, no matter in the U.S., Beijing, or Hong Kong, but my classmates have limited knowledge about domain names.

Current school systems only focus on computer, slash, word processing skills but what I learned in Prague is that the domain name and IP address systems are fundamentally important to our knowledge of the Internet.

STEVE CROCKER:

Thank you.

HU CHIAO:

I think ICANN should have the responsibility to raise the awareness among my generation.

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In order to include more voices from the young generation, I suggest ICANN build up a next generation group to encourage more next generation participants for discussion so that they can learn from senior ICANN members and be able to contribute to the community in the future.

During this ICANN meeting in Prague, I have learned that there are 1,130 new gTLD applications. I'm curious about 10 years later, when I'm 24 years old, what else domain names can I possibly apply for.

You could probably reach me at [hu.chiao@mail.mars](mailto:hu.chiao@mail.mars).

Most popular names probably have been registered by wealthy users, so what is left to us?

I think this is the first topic I would like to examine in the next generation group.

In conclusion, I thank you for being a good listener to a kid like me. I am looking for and am willing to be part of the next generation observer team. Thank you.

This is my first ICANN meeting but won't be the last. I look forward to ICANN in Beijing. (Speaking in a non-English language.)

[ Applause ]

STEVE CROCKER:

Thank you very much.

Rod?

ROD BECKSTROM:           Hu Chiao, I just want to thank you for contributing to globalization, great articulation, and rejuvenation at ICANN.

Thank you.

[ Applause ]

STEVE CROCKER:           Thank you.

So I realize that I've been kind of forceful here, and Jordyn, I really appreciate your volunteering not to be there, and Desiree also.

Both of you are longtime contributors and quite experienced, so I very much appreciate the cooperation.

I want to move on to the "any other business."

Filiz, you've got two queued up on the net. Let me just take them -- take the first one and then we'll move on.

FILIZ YILMAZ:           Thank you, Steve. Filiz Yilmaz, ICANN staff, reading on behalf of Rudi Vansnick, ISOC Belgium and board member EURALO.

Do I have to consider this just being a rumor or this is a fact: Reading the Belgium news magazine Datanews, I've been surprised, even shocked, reading the following message: "New CEO ICANN now already controversial. Fadi marked within 15 months to make a place for the real new top man..."

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"Fact, Fadi Chehade was not on the short list of the Brussels headhunter."

Thank you.

STEVE CROCKER:

This is nonsense, and in any case, I don't want to talk about the interior of the process and short lists and so forth.

But the selection of Fadi Chehade was the result of an extensive, arduous process, multiple stages, lots of work, and we frankly have no intention of coming back immediately and trying to do it over again.

So he pretty well has to stay in place for a good long time here.

He's signed a contract that goes to July 2015, and that's the end of that story.

I don't know where that story -- where the elements of that story in the publication quoted comes from, but it's just not connected to the facts at all.

Thank you.

Hold off on the second one. We'll take -- start here. Go ahead.

AMADEU ABRIL i ABRIL:

Amadeu Abril i Abril, ICANN veteran. I have simple questions for the board. I hope that there are simple answers as well.

One was -- one set is regarding the trademark clearinghouse. Something new we are building, something that's important and will

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gather lots of information from registries, registrars, and registrants and non-registrants, third parties who want to protect their trademarks.

The two simple questions are: In the trademark clearinghouse session, we were always surprised to learn that apparently the contract with these providers will not be published like all the contracts with the registrars. How is that possible? Is that approved by the board? That is, will we skip separate?

The second one is: When the question about who will own the database -- not the data, but the database -- was asked, the answer was, "We don't know."

Well, we know that it must be ICANN.

Like for the TLDs, in case of redelegation, bad service, future needs, whatever, they provide the service to ICANN, they don't come here to do even the well-intentioned business completely separate from the interests of the community, the global trust.

So I hope that you have simple answers for that.

The other is regarding you. It's very candid. There is no conspiracy, no complaint behind that. I just observed that four out of the seven last regular board meetings have been cancelled and then special meetings have been scheduled immediately after or before that, including some multiple-day meetings.

So my question is: There is a trend. It was just because you are not happy with the regular monthly schedule, it doesn't work anymore, or it

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was specific to this time frame of new gTLDs and technical glitches and things like that?

Thanks a lot.

STEVE CROCKER:

All right. Let me just respond quickly to that.

In my time as chair of the board, I've been focused on multiple matters, but one of them is how to streamline and make more efficient, without losing transparency and accountability and any of the other desirable factors, the work that we're doing.

I had observed close up and repetitively that the scheduling of the board meetings had created a work pattern of trying to rush things through to get them in time for the board to consider them, and that what we were often faced with was an incomplete package that required us to get into involved discussions on the spot during the board meeting when the board meeting is a telephonic board meeting lasting three hours and involving people all over the globe, and hence, all around the clock.

This becomes quite unwieldy.

The quality of the deliberations that we're able to carry out at that time are not very good, and I wanted to make a sharp change.

I attempted to say we will -- and so by cancelling those telephonic board meetings and saying -- not just cancelling, saying we're not going to work, say, "We will take work as it is available."



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It turns out it's harder than that, because the system -- all of the people seem to be geared to wanting to know when the board meeting is, and then they'll do the work.

So we've got a little more evolution to engage in before we can get the system tuned to working to quality, as opposed to working against the clock.

And we're still working on it. But it's not an attempt at hiding anything. Far from it. Avri.

AVRI DORIA:

Avri Doria. One thing I wanted to say, as one of the older members of NCSG, and I want to repeat something that you already know, I'm a great fan of new constituencies. And I wanted to let the children's constituency know that I will do everything possible to help them in creating their constituency within NCSG. So they should come find me, we should talk and we'll see how that works out so that we can get something within our structures.

I also had one comment I wanted to make as me, myself, and I and that's, I was one of the ones that screamed when the Friday Kabuki theater went away because I truly loved watching you all up here. I got to say that having watched this today, it's even better and I'm really happy and I'm sorry I screamed at you for taking away Kabuki.

STEVE CROCKER:

Oh, boy. Thank you. Made my day.

[ Applause ]

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Thank you, Avri. And to your first point, kids, when you get an offer from Avri to help, that's a first-class offer. Things really happen. Jeff.

JEFF NEUMAN:

Thanks. I want to continue in the theme that was discussed by Michele with respect to IPv6 and things being in policies and not in contracts. I'd like to address a document entitled Roadmap to Implement SAC51. I'm not sure what status the roadmap has, but I know that there's no public comment on the final version. More and more it seems that there's a tendency to focus on forcing policies down the throats of contracted parties through contractual language rather than encouraging the participation of the contracted parties in adopting best practices and standards. In this case, ICANN staff is recommending that the contracted parties be forced to sign legal agreements requiring the adoption of a new WHOIS protocol before the completion of that protocol in the appropriate technical standards body and prior to any study from the business side of the feasibility of implementing such a protocol. And this is completely backwards.

Neustar is a good corporate citizen and an early adopter of standards-based technologies when the adoption of such technologies makes sense. We have voluntarily implemented DNSSEC, IPv6, and other policies. Without the force of legal contractual language in a spirit of a self-regulatory bottom-up organization, please remove that part of the language from the roadmap and let's focus on getting a new workable and feasible protocol. Thanks.

[ Applause ]

STEVE CROCKER: Thank you. So the line is closed, in case it wasn't clear before. But let's continue and short so we can make this happen.

AMADEU ABRIL I. ABRIL: I just want to mention that you have not answered my most important question. You have a guarantee that the database for the clearinghouse service providers will belong to ICANN, that is in the public trust. We need a clear answer to know whether we move forward or we shoot it down.

STEVE CROCKER: Thank you. Bill.

BILL SMITH: Sure. Bill Smith, PayPal. Quickly, I wanted to thank --

AMADEU ABRIL I. ABRIL: Answer. Thanks.

BILL SMITH: I wanted to thank ICANN for putting on this event here and the Czech Republic and the people of Prague for being such great hosts. I think this was an excellent facility. ICANN has taken a lot of heat in the past for some of the locations we've been in or the facilities we've had, and this has been first rate. Thank you.

[ Applause ]

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STEVE CROCKER: Thank you.

[ Applause ]

Whew! That brings us to the close of this session. We have one more event which is the closing -- closing reception which is just going to be sweet and fun. It's in the Grand Ballroom, I think. And the Board has to go off and perform a little duty of getting itself photographed. So to the -- yeah, to my fellow Board members, let's assemble and do that quickly. And Dev, you're going to join us. Remind me what time this reception -- it's now.

NANCY LUPIANO: It started 21 minutes ago.

STEVE CROCKER: It started 21 minutes ago. So we'll be along as rapidly as we can. Let me thank you one and all. This has been an extraordinary and very dense and content full meeting and Prague, of course, is a wonderful place. Thank you.

[ Applause ]

NANCY LUPIANO: The cocktail party is in the Grand Ballroom. That's the room where GAC met this week. And it's already happening. So please, go enjoy. Thank you.